

**FY94 FUNDING AND LANGUAGE  
BALLISTIC MISSILE DEFENSE ORGANIZATION**

**NOVEMBER 1993**

DESTRUCTION STATEMENT A

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Accession Number: 5695

Publication Date: Nov 01, 1993

Title: FY94 Funding and Language Ballistic Missile Defense Organization

Corporate Author Or Publisher: BMDO/EA, The Pentagon, Washington, DC 20301

Descriptors, Keywords: FY94 Funding Language Track Ballistic Missile Defense Organization BMDO  
Report TMD Theater Missile Defense Act Limited Follow-on Technology Space Based Surveillance  
Military Construction Report SSRT

Pages: 00278

Cataloged Date: May 30, 1995

Document Type: HC

Number of Copies In Library: 000001

Record ID: 30064

# **REPORTING REQUIREMENTS**

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**REPORTS REQUIRED BY H.R.2401, FY94 DOD AUTHORIZATION BILL**

**Reports required by the Bill**

**Due Date**

1. Secretary of Defense shall submit to Congress a report setting forth the allocation of funds for BMD for FY94 and describing an updated master plan for TMDI.

Submitted with FY95 Budget

2. Secretary of Defense shall submit to Congress a report containing a thorough and complete analysis of the future of Theater Missile Defense program.

Submitted as part of the next annual report.

3. Secretary of Defense shall submit a report to Congress setting forth a full and thorough estimation of the cost of deploying a National Defense System at Grand Forks.

No date specified

**Reports required by Committee Report**

1. Secretary of Defense is directed to submit a (a) report on the adequacy of FEWS, upgraded DSP and Brilliant Eyes and (b) make appropriate recommendations in an annex to the Unified Intelligence Strategy.

No date specified

2. Secretary of Defense is directed to detail the reason for the lack of greater allied effort.

Submitted in the next BMD Report Congress

## REPORTS REQUIRED BY S. 1298, DOD AUTHORIZATION BILL

### Reports required by the Bill

#### Due Date

- |    |                                                                                                                                                                                                                |                         |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. | Secretary of Defense shall submit a report on the allocation of funds appropriated for BMD for FY94.                                                                                                           | 60 days after enactment |
| 2. | Secretary of Defense is required to review the following systems for ABM Treaty Compliance. ERINT; GBR-T; THAAD; Brilliant Eyes; Upgrades to the Standard Missile-2 (Navy); Upgrades to AEGIS/SPY radar system | No date specified       |
| 3. | Secretary of Defense shall submit a baseline report on the Arrow Program. The Secretary shall submit a classified and unclassified version.                                                                    | April 1, 1994           |
| 4. | Secretary of Defense shall submit a TMD master plan report to Congress.                                                                                                                                        | March 1, 1994           |

### Reports required by the Committee Report

- |    |                                                                                                                                                   |                                                                                                                    |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 1. | Secretary of Defense is directed to submit a new TMD plan based on results from the Bottom Up Review                                              | No date specified                                                                                                  |
| 2. | Secretary of Defense is directed to submit a wide-range review of ways in which the cost and deployment timetable for BMD systems can be reduced. | No date specified                                                                                                  |
| 3. | Secretary of Defense shall submit a report on the adequacy of FEWS, DSP, BE, and Cobra Ball.                                                      | SecDef shall prepare report at his convenience, however, no funds may be obligated until 30 days after submission. |

**REPORTS REQUIRED BY THE DOD AUTHORIZATION  
CONFERENCE REPORT (H.R. 2401; H.REPT. 103-357)**

**REQUIRED BY THE BILL**

**REPORT**

**REQUIRED BY**

1. SecDef shall submit a plan to Congress that establishes and clearly defines priorities, goals, and milestones regarding modernization of space launch capabilities for DOD. (Sec. 213, Page 40)
2. SecDef shall submit to Congress a report on the allocation of funds appropriated for the Ballistic Missile Defense Organization for FY94. (Sec. 231, Page 48)
3. SecDef shall complete and submit, to Congress, a compliance review on the PAC-3, ERINT, GBR-T, THAAD, BE, upgrades to AEGIS/SPY and upgrades to the Standard Missile-2. (Sec. 234, Page 51)
4. SecDef shall submit to Congress a report containing a thorough and complete analysis of the future theater missile defense programs (TMD Roadmap). (Sec. 235, Page 54)

Submitted with FY95 Budget.

Not later than 60 days after the date of enactment.

No more than 50 percent of the funds obligated until report is submitted.

Submitted as part of the next Annual Report.

**The Annual Report is required by Section 224 of Public Law 101-189.**

## REPORT

## REQUIRED BY

5. SecDef shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, testing, and deployment of theater ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency. (Sec. 235, Page 55)
6. SecDef shall submit to Congress a report on the development plan for a Limited Defense System covering the period of FY94 through FY99. (Sec. 236, Page 56)
7. SecDef shall submit to Congress a report on the Arrow Tactical Anti-Missile Program. (Sec. 239, Page 58)
8. SecDef shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the U.S. with Theater Missile Defense programs of U.S. allies, with the goal of avoiding duplication of effort, increasing interoperability, and reducing costs. (Sec. 242, Page 60)

Not later than May 1, 1994. May be submitted as part of the next Annual Report.

Not later than May 30, 1994. May be included in the next Annual Report.

Not later than April 1, 1994.

Not more 80 percent of the total funds appropriated for TMD may be obligated until report submitted to Congress, and the President certifies in writing, to Congress, that U.S. has formerly submitted to each of the member nations of NATO and to Japan, Israel, and South Korea a proposal concerning the matters described in the report. May be submitted as a component of the next TMDI report to Congress.

**REPORT**

**REQUIRED BY**

9. As part of report on allocation of funds the SecDef shall submit to Congress, a report (on FOT) identifying each program, project, and activity with respect to which the SecDef has transferred management and budget responsibility from BMDO; the agency or military department to which each such transfer was made; and, the date on which each such transfer was made. (Sec. 243, Page 62)
- Not later than 60 days after date of enactment.

**REQUIRED BY THE REPORT**

**REPORT**

**REQUIRED BY**

10. Secretary of the Air Force shall submit a report to Congress on the allocation of funds, the funding profile for the balance of the FYDP, the goals and objectives of the Space Launch Modernization program (which includes SSRT), and the relationship between the DOD and NASA program. (Sec. 213, Page 601)
- No later than April 1, 1994.

**REPORTS REQUIRED BY THE HOUSE FY94 DOD APPROPRIATIONS BILL**

<b>TITLE</b>	<b>DATE DUE</b>
Secretary of Defense review and recommendations of the spaced-based sensor programs	Prior to Appropriations Conference

**REPORTS REQUIRED BY THE SENATE FY94 DOD APPROPRIATIONS BILL**

<b>TITLE</b>	<b>DATE DUE</b>
DOD report on long-term plan for HELSTF	No later than December 31, 1993
BMDO report on detailed plan for expenditure of funds, outlining the technical objectives and schedule for the GBI technology development program	No more than 50 percent of appropriated funds for GBI may be obligated until BMDO submits plan to Congress

**NO BMD-RELATED REPORTS ARE REQUIRED BY THE  
FY94 DOD APPROPRIATIONS CONFERENCE  
REPORT**

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# **BALLISTIC MISSILE DEFENSE ORGANIZATION**

# ***LANGUAGE***

**BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING**

HOUSE ARMED SERVICES COMMITTEE  
H.R. 2401; H. REPT. 103-200 (7/30/93)

BILL LANGUAGE

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SENATE ARMED SERVICES COMMITTEE  
S. 1298; S. REPT. 103-112 (6/30/93)

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**SEC. 231. FUNDING FOR FISCAL YEAR 1994.**

*Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than a total of \$2,617,448,000 may be obligated for ballistic missile defense. None of such amount is available for the Brilliant Pebbles program.*

**SEC. 232. REPORT ON ALLOCATION OF FUNDS.**

*When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—*

**SEC. 223. FUNDING OF CERTAIN BALLISTIC MISSILE DEFENSE PROGRAMS.**

(a) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—If a decision is not made before February 28, 1994, to proceed into engineering and manufacturing development under a weapon system program referred to in subsection (b), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC-3 Missile program.

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(1) *setting forth the allocation by the Secretary of funds appropriated for ballistic missile defense for fiscal year 1994, and the proposed allocation of funds for ballistic missile defense for fiscal year 1995, shown for Theater Missile Defense, Limited Defense System, Other Follow-On Systems, Research and Support, and the Small Business Innovation Research and Small Business Technology Transfer programs of the Small Business Administration, for each program, project, and activity; and*

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(b) COVERED WEAPON SYSTEM PROGRAMS.—For purposes of subsection (a) the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

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(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

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SEC. 227. FUNDING FOR BALLISTIC MISSILE DEFENSE PRO-

GRAMS.

(a) ~~TOTAL AMOUNT.~~—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, or otherwise made available to the Department of Defense for research, development, test and evaluation for fiscal year 1994, not more than \$3,084,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization.

(b) ~~FUNDS NOT TO BE MADE AVAILABLE FOR BRILLIANT EYES.~~—None of the funds authorized to be obli-

BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING

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SEC. 233. TRANSFER AUTHORITIES FOR BALLISTIC MISSILE

DEFENSE.

(a) *IN GENERAL.*—After the submission of the report required under section 232, the Secretary of Defense may transfer funds among the ballistic missile defense program elements named in section 232 of this Act.

(b) *LIMITATION.*—The total amount that may be transferred to or from any program element named in section 232—

gated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(c) *REPORTING REQUIREMENT.*—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization and shall list each ballistic missile defense program, project, and activity under the appropriate program element.

BALLISTIC MISSILE DEFENSE ORGANIZATION

FLOOR AMENDMENTS  
(SASSER AMENDMENT)

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(1) may not exceed 10 percent of the amount provided in the report for the program element from which the transfer is made; and

(2) may not result in an increase of more than 10 percent of the amount provided in the report for the program element to which the transfer is made.

(c) RESTRICTION.—Transfer authority under subsection (a) may not be used for a decrease in funds identified in section 231(a) for the Theater Missile Defense Initiative.

(d) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purposes as the amounts to which transferred.

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SEC. 227. FUNDING FOR BALLISTIC MISSILE DEFENSE PRO-

GRAMS.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994, or otherwise made available to the Department of Defense for research, development, test and evaluation for fiscal year 1994, not more than \$2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

**BALLISTIC MISSILE DEFENSE ORGANIZATION  
FLOOR AMENDMENTS  
(SASSER AMENDMENT)**

-----  
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(2) not more than 32 percent of the total amount may be obligated for the Limited Defense

System;

UW/

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

**BALLISTIC MISSILE DEFENSE ORGANIZATION  
FLOOR AMENDMENTS  
(SASSER AMENDMENT)**

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Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such paragraph a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) LIMITATION ON NUMBER OF TMD PROGRAMS.—

(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

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(A) the Patriot PAC-3 Missile program;

(B) not more than 2 other lower-tier theater  
missile defense programs;

(C) not more than 2 upper-tier theater missile  
defense programs; and

(D) not more than 2 boost-phase intercept theater  
missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

**BALLISTIC MISSILE DEFENSE ORGANIZATION  
FLOOR AMENDMENTS  
(SASSER AMENDMENT)**

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(c) FUNDS NOT TO BE MADE AVAILABLE FOR BRILLIANT EYES.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) REPORTING REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report shall specify the amount of such

**BALLISTIC MISSILE DEFENSE ORGANIZATION**  
**FLOOR AMENDMENTS**  
**(SASSER AMENDMENT)**

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funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization and shall list each ballistic missile defense program, project, and activity under the appropriate program element.

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING

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## BALLISTIC MISSILE DEFENSE

U.S. plans for ballistic missile defense (BMD) have been in an almost constant state of flux since President Reagan announced his Strategic Defense Initiative in 1983. The committee notes that the Secretary of Defense's recent rechristening of the Strategic Defense Initiative Organization as the Ballistic Missile Defense Organization reflects the significant changes that have taken place in the ballistic missile defense environment in the last few years. The administration's current review of BMD options, as part of its bottom up review, will have profound implications for the funding and direction of America's ballistic missile defense efforts for the rest of the decade and beyond. Congress has an important responsibility in balancing the benefits of various ballistic missile defense options with their considerable costs.

If all the items contained in the fiscal year 1994 BMD request were supported over the next six years, the United States would spend \$37-43 billion on BMD through 1999 (with any program overruns adding to the total), an average of \$6-7 billion per year. Such funding levels are not fiscally sustainable, and the committee believes that prudent cuts are, therefore, imperative.

In evaluating the various components of the administration's BMD budget request, the committee has been guided by several basic principles:

- (1) Theater missile defense should receive priority over national missile defense, which in turn should receive priority over follow-on technologies.
- (2) Priority should be given to those systems that can be deployed sooner over those that cannot be deployed until later.
- (3) Priority should be given to those systems that are critical to meeting agreed objectives over those that merely augment or modestly improve on existing or planned systems. Incrementalism is an unaffordable luxury in today's budget environment.
- (4) All things being equal, priority should be given to those systems whose performance is based on field trials rather than paper studies.

## Ballistic missile defenses

The administration has directed a "bottom-up" review of ballistic missile defenses to determine the future scope, pace, and funding to be requested of the Congress for these activities. For fiscal year 1994, the administration requested \$3.8 billion, corresponding to the funding level appropriated for fiscal year 1993. As an interim policy, the Secretary of Defense has directed that theater missile defenses (TMD) should have highest priority, and that second priority be assigned to an ABM Treaty-compliant, limited defense system (LDS) to protect the American people from small accidental or unauthorized launches of currently-deployed ICBMs and from international launches at some future date of one or a few long-range ballistic missiles by hostile Third World states. Consistent with the refocusing of the program on near-term deployments, the administration has changed the name of both the Strategic Defense Initiative (SDI) and its management agency, the Strategic Defense Initiative Organization (SDIO), to, respectively, the Ballistic Missile Defense (BMD) program and the Ballistic Missile Defense Organization (BMDO). The committee recommends a provision (sec. 221) that would incorporate these nomenclature changes into the Missile Defense Act of 1991 (Public Law 102-190), as amended.

At present, the United States has no capability to intercept ballistic missiles launched at U.S. territory, and U.S. military forces have only a limited capability to engage shorter-range tactical ballistic missiles (TBMs) and cruise missiles using the Patriot system. Improvements are urgently required, and the committee endorses both the current competition between the multimode and the extended range interceptor (ERINT) missiles, and the scheduled February 1994 down-select to a single contractor, an important step to ensure early deployment of the improved Patriot PAC-3 intercept capability. The committee urges a prompt down-select decision, unless neither of the candidate systems has been able to meet all planned demonstration objectives, and provides latitude in section 222 to BMDO to retain both contractor teams until a decision is made.

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(5) The country can no longer afford large numbers of systems with overlapping capabilities. Tough choices must be made, and the committee will not shy away from them.  
(6) Programs should not be funded in fiscal year 1994 that cannot be funded adequately in future years.

(7) Systems that are in compliance with the Anti-Ballistic Missile Treaty should be given higher priority than those that pose serious problems with treaty provisions. We remain a nation of laws, and until such time as the treaty might be modified, repealed, or withdrawn from, the committee believes that the legal obligations assumed by all nations should be obeyed and expresses its concern over the disregard shown by some for treaty restrictions.

The committee believes that the nature of the long range ballistic missile threat to the United States today and in the years immediately ahead is best addressed through steps to assist in the dismantling of the long range weaponry of the states of the former Soviet Union, the secure control over the remaining weaponry, the enhancement of multilateral steps to counter the proliferation of advanced weapons technologies, and the continued improvement of relations between the United States and the states of the former Soviet Union, China, and other countries of concern. Well beyond the end of this decade, a new long range missile threat against the United States is unlikely to occur. The emergence of such a threat by late in the next decade should be detectable well in advance, if it occurs at all.

The committee is also interested in technologies that show promise of providing a capability for boost-phase intercept of short-range TBMs and that might be deployable within this decade. The committee is aware of several candidates, including one proposed by the government of Israel. The committee urges the BMDO to give such concept's careful consideration, and if they decide to pursue any of the candidates, to provide appropriate funding.

The committee has been informed that the administration has determined that the "narrow" or "traditional" interpretation of the ABM Treaty is the legally correct interpretation and, therefore, that the ABM Treaty prohibits the development, testing, or deployment of sea-based, air-based, space-based, and mobile land-based ABM systems and components without regard to technology. The committee applauds this determination. However, testimony before the committee this year establishes that the administration has not yet had time to begin compliance reviews of any programs, although it is continuing to expend current-year funds and requesting fiscal year 1994 funds for a host of ballistic missile defense systems and components the compliance of which with the ABM Treaty has not yet been determined. The committee is concerned about the continuing obligation of hundreds of millions of defense dollars for research and development activities on programs, systems, or components that may subsequently be found not to be testable or, worse yet, deployable under the terms of the ABM Treaty. Therefore, in section 223, the committee restricts the obligation of funds for a number of programs, projects, and activities until such time as compliance reviews have been conducted and the results reported to the congressional defense committees. Additional funding and programmatic guidance with regard to the brilliant eyes program is contained in a section on space-based early warning, missile tracking, and space surveillance elsewhere in this report.

SENATE ARMED SERVICES COMMITTEE

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# ***FUNDING CHART***

# BALLISTIC MISSILE DEFENSE ORGANIZATION

FY 94 FUNDING TRACK  
(\$s IN MILLIONS)

11/22/93 8:29 AM

AUTHORIZATION	FY 93 AUTH	FY 94 BUSH BUDGET REQUEST	FY 94 CLINTON BUDGET REQUEST 4/8/93	HASC SUB COMMITTEE 7/27/93	HASC FULL COMMITTEE 7/27/93	HOUSE FLOOR 9/8/93	SASC SUB COMMITTEE 7/22/93	SASC FULL COMMITTEE 7/23/93	SENATE FLOOR 9/9/93	CONFERENCE 11/17/93
SPACE-BASED INTERCEPTORS	300.0	371.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LIMITED DEFENSE SYSTEM	2039.8	2645.7	1195.5				1055.3	1055.3	859.0	650.0
OTHER FOLLOW-ON TECH	300.0	395.3	354.2*						241.6	
RESEARCH & SUPPORT	400.0	471.6	358.2	2336.0	2591.0	2591.0	755.0	755.0	268.5	538.0
SBIR / STTR(1)	(51.5)	(53.6)	42.6						26.8	
THEATER MISSILE DEFENSE (DEM/VAL)	935.0	2033.3	1636.3				1523.8	1523.8	1288.6	1451.0
THEATER MISSILE DEFENSE (EMD)	0.0	223.4	50.4	26.4	26.4	26.4	50.4	50.4	Not Specified	
TOTAL RD&E	3974.8	6140.9	3637.2	2362.4**	2617.4**	2617.4**	3084.5***	3084.5***	2684.5***	2639****
MILCON	24.5	10.8	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.7
PATRIOT (PROCUREMENT)	75.2	184.2	120.7	120.7	120.7	120.7	120.7	120.7	120.7	120.7
TOTAL	4074.5	6335.9	3760.6	2485.8	2740.8	2740.8	3207.9	3207.9	2807.9	2762.4
TOTAL w/Brilliant Eyes	4074.5	6335.9	3760.6	2738.4	2993.4	2993.4	3460.5	3460.5	3060.5	3015.0

(1) SBIR / STTR funding was included in the Research & Support line in FY 93 and FY94 Bush budget request.

\* Includes \$73M funding for Brilliant Pebbles

\*\* Reflects transfer of \$252.6M of Brilliant Eyes funding to a new Air Force account

\*\*\* Reflects \$300M undistributed reduction and transfer of \$252.6M of Brilliant Eyes funding to a new OSD account "Missile Warning & Surveillance"

\*\*\*\* \$252.6M for Brilliant Eyes transferred to "Space Based Surveillance" account along w/DSP, FEWS, & Cobra Ball Upgrade; total authorization for account is \$801.9M

# BALLISTIC MISSILE DEFENSE ORGANIZATION

FY 94 FUNDING TRACK

(\$s IN MILLIONS)

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APPROPRIATION	FY 93 APPROP	FY 94 BUSH BUDGET REQUEST	FY 94 CLINTON BUDGET REQUEST 4/8/93	HAC SUB COMMITTEE 9/7/93	HAC FULL COMMITTEE 9/22/93	HOUSE FLOOR 9/30/93	SAC SUB COMMITTEE 9/30/93	SAC FULL COMMITTEE 10/4/93	SENATE FLOOR 10/21/93	CONFERENCE 11/10/93
SPACE-BASED INTERCEPTORS	211.9	371.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LIMITED DEFENSE SYSTEM	1671.0	2645.7	1195.5				683.9	683.9	683.9	650.0
OTHER FOLLOW-ON TECH	298.9	395.3	354.2				265.7	265.7	265.7	242.6
RESEARCH & SUPPORT	421.7	482.4	358.2	2870.0	2870.0	2720.0	291.0	291.0	291.0	295.4
SBIR / STTR	0.0	0.0	42.6				29.5	29.5	29.5	0.0
THEATER MISSILE DEFENSE (DEM/VAL)	1026.3	2256.7	1636.3				1364.0	1364.0	1364.0	1400.6
THEATER MISSILE DEFENSE (EMD)	0.0	0.0	50.4				50.4	50.4	50.4	50.4
TOTAL RDT&E	3629.8	6151.7	3637.2	2870.0	2870.0*	2720.0**	2684.5***	2684.5***	2684.5***	2638.9****
MILCON	5.4	10.8	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.7
PATRIOT (PROCUREMENT)	75.2	184.2	120.7	120.7	120.7	120.7	120.7	120.7	120.7	120.7
TOTAL	3710.4	6346.7	3760.6	2993.4	2993.4	2843.4	2807.9	2807.9	2807.9	2762.3
TOTAL w/Brilliant Eyes	3710.4	6346.7	3760.6	2993.4	2993.4	2843.4	2807.9	2807.9	2807.9	2902.3

\* Includes \$252.6M for Brilliant Eyes.

\*\* Reflects \$150M reduction based on Furse amendment (passed voice vote) to reduce Defense Agencies RDT&E.

\*\*\* No funds were made available for Brilliant Eyes.

\*\*\*\* Provided \$140.0M for Brilliant Eyes and transferred "program management and funding responsibilities" to the Air Force

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING

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In view of this situation, a prudent level of research and development to provide the technical base to develop and deploy a national missile defense on a timely basis is appropriate for the present. The budget request, however, seeks \$1.2 billion to "retain . . . the option of developing for deployment an ABM Treaty compliant defense of the continental U.S. in 2004," with no commitment for deployment. Spending \$100 million per month simply to preserve an option is too high a price to pay for flexibility. Fiscal realities call for a more prudent level of spending. In the current fiscal environment, the committee believes it is unwise to spend \$1.2 billion per year and seek deployment in the absence of any evidence that such a threat is likely to emerge in the next 10 to 15 years. It would rob resources from those other defense programs designed to meet military needs that are more pressing in their urgency and more perilous in their consequences. It also would do damage to our attempts to gain a greater measure of control over perhaps the greatest threats to U.S. security: the Federal deficit and the national economic erosion it engenders.

The committee also notes that there is a need to modify the Missile Defense Act to reflect the demise of the Strategic Defense Initiative, the fiscal upheavals that have taken place in the past year, and the reordering of ballistic missile defense priorities. Accordingly, the committee believes the Act should be modified on a timely basis to reflect the need to preserve the option of deploying a single site for the defense of the United States against a possible future third world ballistic missile threat. The committee also believes that, given the pace of theater missile programs, the theater ballistic missile defense systems under development should comply with the ABM Treaty.

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The committee further notes that the Congress, both directly and through the Missile Defense Act, has continuously urged the administration to undertake negotiations aimed at both clarifying ambiguities in the Treaty language and agreeing upon such modifications to the Treaty as may be found mutually desirable in order to improve the effectiveness of both theater missile defenses and systems for defending against limited attacks by strategic weapons. The committee continues to believe that Russia should have at least as great an interest in improved missile defenses as does the United States. Accordingly, the committee urges the new administration to formulate the goals for the United States of such negotiations regarding the ABM Treaty and to establish a timetable for undertaking such negotiations in a timely fashion.

In the Missile Defense Act of 1991, the committee, acting on information and testimony provided by the SDIO, set as a "goal" the activation of the initial LDS site at Grand Forks, North Dakota, by 1996. Information and testimony provided after enactment of the Act made clear that the 1996 deployment date was unrealistic, and that initial activation of the site could not occur before the end of the decade, under current acquisition procedures and accepting only moderate concurrency and technical risk. The committee and the Congress reluctantly accepted this judgment in revisions to the Missile Defense Act enacted in the National Defense Authorization Act for Fiscal Year 1993, but expressed in the statement of managers accompanying the conference report (H. Rept. 102-966) the following sense of urgency:

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*Ballistic missile defense*

The budget request contained \$3,760.6 million for the Strategic Defense Initiative Organization (SDIO)—recently rechristened the Ballistic Missile Defense Organization (BMDO)—including \$3,637.1 million for research and development, \$120.7 million for procurement, and \$2.7 million for military construction. These totals included \$1,686.7 million for Theater Ballistic Missile Defense, \$1,195.5 million for the Limited Defense System, \$354.2 million for Follow-On Technologies, \$358.2 million for Research and Support Activities, and \$42.6 million for the Small Business Innovative Research (SBIR)/Small Business Technology Transfer (STTR) Programs.

Testimony provided to the committee pointed out that the items contained in the fiscal year 1994 request for ballistic missile defense (BMD) would, if supported in the years to come, lead to annual budgets averaging over \$6 billion over the next five years. Such funding levels would be 50 percent higher than the highest annual funding level of the last ten years for this program. The committee believes that such an increase would be neither feasible nor desirable and that steps must be taken to bring fiscal and programmatic realism to the BMD budget.

The committee notes that the administration has significantly re-ordered priorities for ballistic missile defense, establishing theater ballistic missile defense as the top priority, followed by national missile defense and, much lower in ranking, follow-on technologies. The committee endorses these priorities and believes they generally reflect the nature of the ballistic missile threat today and its likely evolution in the years ahead. The committee believes that shorter range missile threats are of the most immediate concern to our national security interests and should have a commensurate claim on our defense resources.

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The conferees direct the Secretary of Defense to develop the advanced TMD and initial ABM deployments consistent with sound acquisition procedures and in accordance with a low-to-moderate technical risk and low-to-moderate concurrency program. The conferees further direct the Secretary to structure this development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

The new administration's current guidance to BMDO is to accord first priority to advanced theater missile defenses, and second priority to the initial LDS site, but on a timetable of "as soon as possible but not later than 2004."

The committee looks forward to receipt of the results of the administration's "bottom up" review as it pertains to both BMD programs and timetables for deployment.

Although the BMDO submitted the required plan for theater missile defenses in June 1993, this plan has already been overtaken by the bottom-up review and the funding reductions for BMD activities from the previous administration's plan. Accordingly, in section 224 the committee directs the Secretary of Defense to prepare and submit a new plan based on the results of that review and the development of a Future Years Defense Program. The committee has a number of substantive questions about the appropriate pace and direction of missile defenses in light of declining defense budgets. The committee also has a number of concerns about the limited progress which the BMDO has made in transitioning from the previous SDI-dominated technology development mentality to the more deployment-oriented mentality implied by both the Secretary's guidance, and that contained in the Missile Defense Act, as amended. The committee hopes that the results of the administration's review will provide answers to the following kinds of questions:

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The committee recommends an authorization of \$2,617.428 million for fiscal year 1994 for research, development, test and evaluation for the ballistic missile defense program, including theater missile defense. In view of the significant changes in theater and ballistic missile defense program priorities and direction, the committee believes that the Secretary of Defense needs increased flexibility in reordering the program. Accordingly, the committee has combined the separate program elements for Theater Missile Defense, Limited Defense System, Other Follow-On Systems, Research and Support, and Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) into a single program element for the Ballistic Missile Defense Organization. The committee expects the Department of Defense to provide funding for SBIR/STTR appropriate to the ballistic missile defense RDT&E program from the amount authorized in fiscal year 1994 for the Ballistic Missile Defense Organization. The committee also recommends an authorization of \$120.7 million for procurement and \$2.7 million for military construction for the ballistic missile defense program. The committee has not been persuaded that space-based weapons, as opposed to sensors, offer any realistic near- or mid-term promise of defending U.S. security interests. These space-based weapons have too long diverted attention and resources from the real ballistic missile threats we face today. Accordingly, the committee recommends no authorization for space-based weapons programs such as Brilliant Pebbles.

The committee also questions the wisdom of several other programs within the follow-on technologies category. The committee has been told that the technologies and systems in development for

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**With regard to theater defenses—**

It appears that theater systems now under development—Patriot PAC-3, theater high altitude area defense interceptor (THAAD), and Navy lower-tier—are adequate to defend, from no more than a few sites, U.S. expeditionary forces; the allied bases, ports, and infrastructure they will use to project U.S. power against the enemy; and the forces and populations of the host countries from whose territory we project that power. Given such capabilities, how urgent is the necessity to extend through more advanced upper-tier systems, the coverage of missile defenses to prospective allies and/or coalition partners outside the immediate theater of operations?

If capabilities to defend against missile attack the population of prospective allies and coalition partners outside an immediate theater of operations are important, to what extent should the U.S. taxpayer fully or largely fund the development and deployment of those upper-tier capabilities?

To what extent should the U.S. taxpayer fund the development and deployment of such defenses for allied populations rather than develop and deploy defenses for American cities?

Given the proliferation of shorter range missiles and the gradual spread of longer-range theater missiles, to what extent should we expect allies and/or prospective coalition partners outside an immediate theater of operations to either have developed their own missile defenses, or have entered into cooperative agreements with us and other interested parties to develop and deploy such systems?

**With regard to limited defenses for the continental United States—**

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national missile defense could lead to deployment no sooner than 2004--some 11 years into the future. Follow-on technologies are, by definition, support systems that would "follow on" some years after that, well into the second decade of the next century. Reflecting the administration's adjusted priorities and the nearer term nature of other military threats and social concerns this country faces, the committee has authorized funds for the category of follow-on technologies commensurate with its contribution to U.S. security interests. Likewise the committee has adjusted the category of research and support to reflect current military and budget realities.

The committee directs termination of the RAPTOR TALON program and the transfer of \$8.5 million for the RAPTOR unmanned aerial vehicle to a new program element as a part of the defense airborne reconnaissance initiative. The committee also directs the transfer of the miniature sensor technology integration development program to the Advanced Research Projects Agency and recommends \$28.884 million in PE 603226E for that purpose.

The committee is committed to the priority of theater missile defenses in the BMD program and wants to ensure that the theater missile defense (TMD) systems under development are appropriate to the threat environment they will face in the years to come. The committee recommends reductions in the program have been made with a view that the department must make the hard choices to select those programs which will provide the most cost-effective TMD capability. In the future the department must avoid having too many and inadequately funded programs. The committee encourages the department to complete those near-term experiments and tests that would confirm the effectiveness of particular technologies for theater missile defense applications.

The committee also recommends a legislative provision (sec. 239) that would require a report on the cost of establishing a single site national defense at Grand Forks, North Dakota.

In the absence of effective defenses against TBMs, an enormous proliferation of those weapons has taken place. The prospect that more effective defenses will be available before the end of the decade does not seem to deter this proliferation. Given this example, is there a preemptive or deterrent value to U.S. development and deployment of a Treaty-compliant LDS capability before a long-range, Third World ballistic missile threat to the United States has emerged?

What is the likely cost differential between an LDS deployment planned for a date certain, and a crash program to deploy LDS capabilities once a Third World threat has emerged?

It is known that Ukrainian technicians are seeking to wrest operational control of the ICBMs on their territory from the Russians. To what extent do such efforts increase the risk of an accidental or unauthorized missile launch toward U.S. territory?

The Army's Strategic Defense Command believes a Treaty-compliant LDS can be deployed at least two years earlier than 2004, and at significantly less cost than BMDO estimates. Why, after an investment of more than \$30 billion in R&D since the establishment of the SDI program, does it still require 11 years to deploy one phased-array radar, a handful of interceptor missiles, and appropriate battle management and communications systems? From a standing start, we landed a

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manned spacecraft on the lunar surface in less time than that. Is "acquisition streamlining" an appropriate response?

BMDO estimates the cost of the LDS in 2004 at \$21.8 billion, plus another \$7.1 billion for "supporting costs for test infrastructure, data collection assets, and risk reduction efforts." This represents one-third of the basic acquisition costs of the LDS system. Is this a reasonable charge, or does BMDO have too large an infrastructure and support cost for the likely scale of future deployments?

The 2004 deployment date for the LDS assumed use of the brilliant eyes sensor system to extend LDS coverage over both East and West coast territory from a single site at Grand Forks. Given the determination that the "traditional" interpretation of the ABM Treaty is the legally correct one, this use of brilliant eyes may be precluded. If so, what will BMDO substitute in the LDS architecture? Ground-launched surveillance and tracking system (GSTS)? Or upgrades to ballistic missile early warning system (BMEWS) radars? With regard to other follow-on technologies--

What effect does the recent determination by the administration regarding the ABM Treaty have on the programs within this line-item? What restrictions on development, if any, will there be on the brilliant pebbles program? The neutral particle-beam program? The space-based high-energy laser program? Other programs?

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Should more of these programs be removed from the BMD program and refocused on other challenging defense missions (e.g., high energy lasers for shipboard defense against sea-skimming cruise missiles)?

Why is BMDO continuing to fund programs such as rapidly reusable launch vehicles and Topaz space-based nuclear reactors when there is no current or foreseeable BMD deployment requiring either large-scale power sources in space or rapid-turnaround space-launch capability?

This is in no sense an exhaustive list, but rather is indicative of the need for the administration to provide the results of its BMD review and its programmatic recommendations as soon as possible.

The committee believes that the new Secretary of Defense should have the same flexibility provided last year to his predecessor to remove systems from the "other follow-on research" category; this is provided in section 225.

The committee believes that the "bottom-up" review of BMD programs should focus on the necessity to streamline the BMDO and the BMD acquisition system in order to reduce costs of deployed systems. Accordingly, in section 226, the committee directs the Secretary to undertake a wide-ranging review of ways in which the cost and deployment timetable for BMD systems can be reduced without relying on an unacceptable degree of risk or concurrency.

As discussed elsewhere in this report, the committee transfers \$252.6 million requested for the brilliant eyes program to a special account under the control of the Secretary of Defense. The committee expects the combination of the "bottom-up review," the authority to transfer follow-on programs to the services and ARPA, and the focus on acquisition streamlining to lead to a lower requirement for funds than the requested amount. The committee therefore recommends an undistributed reduction of \$300.0 million to the request. The Secretary may allocate funds appropriated pursuant to this authorization to the existing individual BMDO line items in accordance with the authority provided by section 227.

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## Subtitle C—Missile Defense Programs

### SEC. 231. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1994.

(a) **TOTAL AMOUNT.**—Of the amounts appropriated pursuant to section 201 for fiscal year 1994 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than \$2,638,992,000 may be obligated for programs managed by the Ballistic Missile Defense Organization.

(b) **ALLOCATION TO PROGRAM ELEMENTS.**—Of the amount specified in subsection (a)—

(1) not more than \$1,450,992,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(2) not more than \$650,000,000 shall be available for programs, projects, and activities within the Limited Defense System program element; and

(3) a total of not more than \$538,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element, including funding for the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(c) **TRANSFER AUTHORITIES.**—(1) Notwithstanding the limitations set forth in paragraphs (1) through (3) of subsection (b), the Secretary of Defense may transfer funds among the program elements managed by the Ballistic Missile Defense Organization. The total amount that may be transferred pursuant to the preceding sentence—

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### FUNDING FOR BMD PROGRAMS

In section 231, the conferees recommend a total of \$2,638,992,000 for research, development, test and evaluation for ballistic missile defense programs managed by the Ballistic Missile Defense Organization (BMDO). Of this amount, \$1,450,992,000 is recommended for programs contained in the theater missile defenses program element, and \$650,000,000 is recommended for the limited defense system program element. The conferees further agree to combine the program elements for "other follow-on systems" and "research and support," into a single program element, entitled "research and support," and to recommend \$538,000,000 for this activity, including the SBIR/SBTT program.

The conferees further agree to provide limited transfer authority among these program elements, and to require the submission of the standard report on the allocation of funds among ballistic missile defense programs, projects, and activities within 60 days after the enactment of this act. None of the funds appropriated for use by the Ballistic Missile Defense Organization may be made available to the Brilliant Eyes program; funding for the Brilliant Pebbles (advanced interceptor technology) program may not exceed \$35.0 million.

The conferees note that, in its recently completed Bottom-Up Review, the Administration has significantly reordered priorities for the ballistic missile defense program to emphasize protection of forward-deployed U.S. forces in the near-term and to proceed with a more robust theater missile defense program. The limited defense system program would be continued as an aggressive technology development program. The conferees are strongly committed to the top priority assigned to theater missile defense in the BMD program. The conferees are also highly supportive of a strong technology development program to reduce lead-times for deployment of a limited national missile defense system should a significant threat develop. The conferees further note that the level of funding authorized in this act is significantly lower than the annual average funding level for ballistic missile defenses recommended in the

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING

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(A) from any program element named in subsection (b) may not exceed 10 percent of the amount specified for that program element in subsection (b); and

(B) to any program element named in subsection (b) may not result in an increase by more than 10 percent of the amount specified for that program element in that subsection.

(2) The authority under paragraph (1) may not be used to transfer funds from the Theater Missile Defense program element.

(3) The authority under paragraph (1) may not be used to transfer funds from the Limited Defense System program element to the program element for Research and Support Activities.

(4) Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

(d) LIMITATIONS.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program. Such funds may be obligated for the Brilliant Pebbles program only within the Research and Support Activities program element and in an amount not in excess of \$35,000,000.

(e) REPORT ON ALLOCATION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report—

(1) shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization; and

(2) shall list each ballistic missile defense program, project, and activity under the appropriate program element.

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Bottom-Up Review. In part, this outcome represents the conferees' judgment that, for fiscal year 1994, other competing programs are of higher priority than additional BMD funding; in part, it reflects the conferees' judgment that the Department of Defense has not yet made the case for the funding levels it recommends in the Bottom-Up Review. Future program plans, timetables for deployment, testing plans, and missile defense architectures are incompletely defined, providing little basis, thus far, for congressional support of higher funding levels. Accordingly, the conferees require detailed reporting on the specific directions that the Administration intends to pursue in support of its broad BMD policy statements over the period covered by the future years defense program.

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No language exists.

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The Committee provided \$2,870,040,000 for Ballistic Missile Defense (formerly the Strategic Defense Initiative), the amount recommended by the House Armed Services plus funding for the Brilliant Eyes program as explained in the Space and Related Programs section of this report, a decrease of \$767,095,000.

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## CONGRESSIONAL INTEREST ITEMS

Items for which funds have been specifically earmarked in report language within program elements funded in the Research, Development, Test and Evaluation appropriations using the phrases "only for" or "only to" are Congressional interest items. DD Form 1414 for the affected fiscal year 1994 RDT&E appropriations shall show them as special Congressional interest items, a funding decrease to which requires prior approval from Congress. Each of these items must be carried on DD Form 1414 at the stated amount or a revised amount if changed during conference action on this bill, unless the item is denied in conference or if otherwise specifically addressed in the conference report.

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No language exists.

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## NATIONAL AND THEATER MISSILE DEFENSE INITIATIVES

*Ballistic Missile Defense Organization [BMDO].*—The Committee approves \$2,684,535,000 for research and development efforts on national and theater missile defense systems and technologies. The Committee provides the funds in the respective program elements identified in the budget request, making discrete reductions in each program element to achieve the recommended overall funding level. The Committee's actions are discussed in detail under the appropriate headings which follow. The recommended funding level is \$952,600,000 below the budget request, consistent with the level of funding previously approved by the Senate. The House recommendation consolidates all missile defense programs in a single program element and provides \$2,720,040,000, an amount \$35,505,000 above the Senate allowance.

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*Research and support activities.*—The Committee provides \$290,989,000 to fund research efforts and basic support of missile defense programs, a reduction to the budget request of \$67,234,000. The House provided no funds in this program element. Based on the overall funding level recommended for BMDO activities, the Committee recommends a proportionate reduction of \$67,234,000 in the budget request of \$256,709,000 for the operational support costs project which provides program management, system engineering, and program control support.

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#### BALLISTIC MISSILE DEFENSE

The Department requested \$3,637,135,000 for Ballistic Missile Defense research and development programs. The Committee recommends \$2,870,040,000 for the Ballistic Missile Defense Organization's programs, a reduction of \$767,095,000. This recommendation includes reductions proposed by the House Armed Services Committee in its 1994 bill, except that funding for the Brilliant Eyes program has been retained within this program. As noted elsewhere in this report, the Committee recommends a general reduction to space programs rather than to consolidate a number of DOD space programs in a single line item. The Committee has also included bill language to earmark \$97,000,000 only for the ERINT missile and to require that the Defense Department execute the PAC-III missile acquisition strategy which it justified to the Congress during hearings this year. The Committee directs that \$6,500,000 of theater missile defense funds are only for the classified HAVE YAK program. The Committee has also included bill language preventing the expenditure of funds on more than one public affairs office within the Washington, D.C. area with attendant cost savings of over \$500,000 annually.

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The Committee is concerned that in this era of declining Defense budgets, not enough attention is being applied to reducing research and development support costs.

Accordingly, the Committee recommends a general reduction of \$500,000,000, as follows: Army, \$70,000,000; Navy, \$120,000,000; Air Force, \$180,000,000; and Defense-wide, \$130,000,000. The Committee directs that these reductions should not be taken from research and development projects, but should come from overhead programs, such as management and support activities in headquarters, laboratories, ranges and Federally Funded Research and Development Centers.

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*Small business innovative research/small business technology transfer pilot program [BMDO].*—The Committee allocates \$29,529,000 to fund Ballistic Missile Defense Organization [BMDO] small business projects, a reduction of \$13,023,000 to the budget request. The House allowance provides no funds in this program element. The request for small business activities is reduced commensurate with reductions recommended in the overall BMDO budget base upon which the set-aside is calculated and consistent with the cap on this account approved by the Senate.

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(FURSE (D. OR) FLOOR AMENDMENT)

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Page 40, line 22, strike "\$9,526,918, 000" and  
insert "\$9,197,918,000".

(The above amendment decreases BMDO funding by  
\$150M from the Committee mark of \$2993.4.  
Bottom line BMDO funding for House Appropriations  
is \$2843.4.)

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STATUTORY LANGUAGE:

No specific language.

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## BALLISTIC MISSILE DEFENSE

The conferees agree to provide \$2,638,900,000 for the Ballistic Missile Defense Program. This amount does not include funds for the Brilliant Eyes project, which is funded in the Air Force RDT&E appropriation. The conferees do not agree to the specific reductions proposed and approved by the Senate. The conferees agree to recommend the illustrative reductions contained in the following table which is expressed in thousands of dollars. The conferees believe these reductions could be necessary to implement this lower aggregate level of funding for fiscal year 1994. The bulk of these reductions were approved by the full Senate or reflect recent decisions by BMDO to reduce or terminate specific projects. The conferees agree to the Senate direction concerning the Ground Based Interceptor and theater missile defense simulation efforts.

	Budget	IMC	SAC	Conference
BALLISTIC MISSILE DEFENSE ORGANIZATION (BMDO)				
Limited Defense System	1,195,459		683,851	650,000
Integrated Logistics Support	3,906		-3,906	-3,906
Productivity and Manufacturing	3,476		-3,476	-3,476
Independent T&E Oversight and Assessment	5,860		-5,860	-5,860
System Simulations	5,458		-2,658	-2,658
System Engineering	49,580		-49,580	-49,580
Test & Evaluation Facilities	19,534		-8,000	-8,000
System Planning and Execution	35,069		-15,000	-15,000
Operational Test and Evaluation	4,000		-4,000	-4,000
Command Center	76,318		-38,000	-38,000
NMD-Ground Based Radar	100,124		-80,124	-80,124
Ground-Based Exo Interceptor Dev	238,176		-191,256	-186,256
Lethality and Target Hardening	4,884		-2,000	-2,000
Survivability Eng & Demo Project	19,533		-19,533	-19,533
Communications Engineering	10,037		-10,037	-10,037
Space-Based Sensor (Brilliant Eyes)	140,074		-140,074	-140,074
Red Tigers III	14,651		20,000	20,000
Sys Test Env-TMD Simulations	53,718		9,900	9,900
HAVE YAK	0	(6,500)	25,000	(6,500)
Airborne Surv Testbed (AST)	24,418		16,896	-2,418
System security engineering	12,776			-12,776
Survivability engineering	600			-600
Ground Common	955			-955
System Test Environmental Support	4,884			-4,884
Small Business				9,788

BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING

FY94 DOD APPROPRIATIONS CONFERENCE REPORT

H.R. 3116; H.REPT. 103-339 (11/09/93) P.L. 103-139

STATUTORY LANGUAGE:

No specific language.

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Theater Missile Defense .....	1,636,304	.....	1,364,047	1,400,582
Naval & Marine Corps TMD .....	159,203	.....	10,000	-37,629
LEAP Tech Demo Program .....	93,835	.....	-43,835	-13,835
Space-Based Sensor (Brilliant Eyes) .....	112,518	.....	-112,518	-112,518
THAAD .....	484,270	.....	-50,000	-50,000
CORPS Surface-to-Air Missile .....	31,998	.....	-31,998	-21,998
Tact Missile Def Attack Ops/Counterforce .....	3,906	.....	-3,906	-3,906
Advanced TMD Weapons .....	5,958	.....	.....	-5,958
Contingency .....	.....	.....	.....	-11,823
Small Business .....	.....	.....	.....	21,945
Theater EMD .....	50,410	.....	50,410	50,410
Follow-On Technologies .....	354,187	.....	265,709	242,554
Power and Power Conditioning .....	9,767	.....	-2,707	-2,707
Brilliant Pebbles .....	72,671	.....	-62,671	-37,671
General Reduction .....	.....	.....	-23,100	-74,960
Small Business .....	.....	.....	.....	3,705
Research and Support Activities .....	358,223	.....	290,989	295,354
Operational Support Costs .....	356,709	.....	-67,234	-67,234
Small Business .....	.....	.....	.....	4,365
Small Business Innovative Research .....	42,552	.....	29,529	0
SBIR/STTR .....	42,552	-42,552	-13,023	-42,552
Total BMDO RDY&E .....	3,637,135	2,720,040	2,684,535	2,638,900

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**SEC. 231. FUNDING FOR FISCAL YEAR 1994.**

*Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than a total of \$2,617,448,000 may be obligated for ballistic missile defense. None of such amount is available for the Brilliant Pebbles program.*

**SEC. 232. REPORT ON ALLOCATION OF FUNDS.**

*When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—*

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**SEC. 216. BASELINE REPORT FOR THE ARROW TACTICAL**

**BALLISTIC MISSILE DEFENSE SYSTEM.**

**(a) BASELINE REPORT REQUIRED.**—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a baseline report on the Arrow tactical ballistic missile defense system of Israel. The Secretary shall design the report to provide such committees with the information the committees need to perform their oversight function.

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(1) *setting forth the allocation by the Secretary of funds appropriated for ballistic missile defense for fiscal year 1994, and the proposed allocation of funds for ballistic missile defense for fiscal year 1995, shown for Theater Missile Defense, Limited Defense System, Other Follow-On Systems, Research and Support, and the Small Business Innovation Research and Small Business Technology Transfer programs of the Small Business Administration, for each program, project, and activity; and*

(2) *describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tac-*

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(b) **CONTENT OF REPORT.**—At a minimum, the report shall include the following matters:

- (1) The development and procurement schedules for the program.
- (2) The estimated total cost of the program.
- (3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.
- (4) The same or similar kinds of information that are included for a major defense acquisition program in a Selected Acquisition Report submitted pursuant to section 2432 of title 10, United States Code, to the extent that the Secretary can adapt the

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*tical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.*

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information requirements of that section for application to the Arrow tactical ballistic missile defense system.

(5) An assessment of the performance of the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or

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(8) For each such alternative—

(A) an assessment of the cost effectiveness  
of undertaking the alternative;

(B) the technology transfer implications;  
and

(C) the weapon proliferation implications.

(c) FORMS OF REPORT.—The Secretary shall submit  
the report in classified and unclassified versions.

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SEC. 235. PATRIOT ADVANCED CAPABILITY-3 THEATER MIS-

SILE DEFENSE SYSTEM.

(a) COMPETITION FOR MISSILE SELECTION.—*The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of July 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability-3 (PAC-3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the two competing missiles (the Patriot Multimode Missile and the Extended Range Interceptor (ERINT) missile),*

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SEC. 232. FUNDING OF CERTAIN BALLISTIC MISSILE DE-

FENSE PROGRAMS.

(a) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—*If a decision is not made before February 28, 1994, to proceed into engineering and manufacturing development under a weapon system program referred to in subsection (b), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC-3 Missile program.*

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*shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.*

*(b) FUNDS FOR DEMONSTRATION AND VALIDATION.—*

*Of the funds authorized to be appropriated by section 201 for the Ballistic Missile Defense Organization—*

*(1) not less than \$44,100,000 shall be available for demonstration and validation purposes for the Patriot Multimode Missile program;*

*(2) not less than \$55,900,000 shall be available for demonstration and validation purposes for the Extended Range Interceptor program; and*

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**(b) COVERED WEAPON SYSTEM PROGRAMS.—**For purposes of subsection (a) the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

**~~SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MIS-~~**

**~~SILE DEFENSE SYSTEMS AND COMPONENTS~~**

**~~FOR COMPLIANCE WITH ABM TREATY.~~**

**~~(a) FINDINGS.—~~**Congress makes the following find-

ings:

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(3) *not less than \$52,700,000 shall be available for demonstration and validation and for the Engineering and Manufacturing Development stage for the system selected and for appropriate risk mitigation activities.*

(c) *IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in mid-1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability-3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.*

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(1) ~~That section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.~~

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SEC. 337. THEATER MISSILE DEFENSE ROAD MAP.

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

- (1) seek to maximize the use of existing systems and technologies; and
- (2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

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(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and

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(b) TMD ANALYSIS.—The Secretary of Defense shall submit to Congress a report containing a thorough and complete analysis of the future of theater missile defense programs. The analysis shall include the following:

(1) A description of the mission and scope of Theater Missile Defense.

(2) A description of the role of each of the Armed Forces in Theater Missile Defense.

(3) A description of how those roles interact and complement each other.

(4) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.

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components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) That the ABM Treaty is not directed at, nor intended to limit, theater missile defenses that do not have the capability to counter strategic ballistic missiles, and are not tested in an antiballistic missile mode, as required by article VI of the ABM Treaty.

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(5) *An analysis and comparison of the projected life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each element).*

(6) *Specification of the baseline production rate for each year of the program through completion of procurement.*

(7) *Estimation of the unit cost and capabilities of each element.*

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(6) ~~That the United States and its allies face existing threats from theater ballistic missiles (such as the Chinese-made CSS-2) that are as capable as some missiles that were categorized as strategic missiles for purposes of the SALT I Interim Agreement of 1972.~~

(b) ~~REQUIRED COMPLIANCE REVIEW. (1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.~~

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(c) DESCRIPTION OF TESTING PROGRAM.—The Sec-

retary of Defense shall include in the report under sub-section (b) a description of the current and projected testing program for theater missile defense systems and major components. The report shall include an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

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(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:

~~(A) The Patriot Multimode Missile.~~

~~(B) The Extended Range Interceptor (ERINT).~~

~~(C) The Ground-Based Radar for theater missile defenses (GBR-T).~~

~~(D) The Theater High Altitude Area Defense interceptor missile (THAAD).~~

~~(E) The Brilliant Eyes space-based sensor system.~~

~~(F) Upgrades to the AEGIS/SPY radar system of the Navy.~~

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(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—

*The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty Regimes. The report shall describe any potential noncompliance with either Regime, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that Regime to address future contingencies.*

(e) SUBMISSION OF REPORT.—*The report required by subsection (b) shall be submitted as part of the next annual*

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~~(G) Upgrades to the Standard Missile-2 (SM-2) interceptor of the Navy.~~

~~(c) REPORT REQUIRED. (1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the congressional defense committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade.~~

~~(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:~~

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*report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).*

**SEC. 238. ADDITIONAL BMD PROGRAMS.**

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided under section 201 for Theater Missile Defense, \$102,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier concept for Naval Theater Missile Defense, including cost-effective systems and upgrades to existing systems that can be fielded more quickly than new systems.

(b) ACCELERATED ADVANCED TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Theater Missile Defense Initiative, shall initiate during fiscal year 1994 an accelerated

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(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota?

(B) If not, can design changes or operational changes be made to the Brilliant Eyes space-based sensor that—

(i) will result in the usability of the sensor in conjunction with the planned ground-based radar system and its ground-based interceptors being in compliance with the ABM Treaty; and

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*Advanced Technology Demonstration program to demonstrate the technical feasibility of using the Navy's Standard Missile combined with a kickstage rocket motor and Lightweight Exoatmospheric Projectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.*

~~(ii) will not prevent the system from performing its strategic defense missions with a high degree of effectiveness!~~

~~(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty?~~

~~(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?~~

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SEC. 240. THEATER MISSILE DEFENSE INTERCEPTOR TEST.

ING.

*The Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone III) acquisition stage until the Secretary certifies to the congressional defense committees in writing that the Secretary has conducted more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, involving mul-*

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~~(d) LIMITATIONS ON FUNDING.—(1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade required by subsection (b) and has submitted to the congressional defense committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.~~

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*multiple interceptors and multiple targets in the presence of realistic countermeasures the results of which demonstrate the achievement by the interceptors of the single-shot probability-of-kill specified in the system baseline description established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered full-scale engineering development.*

**SEC. 241. ARROW TACTICAL ANTI-MISSILE PROGRAM.**

*(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101-510 (104 Stat. 1515) and section 241(a) of Public Law 102-190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile pro-*

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~~(2) Not more than \$50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.~~

~~(e) ABM TREATY COMPLIANCE OF THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.~~

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SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MIS-  
SILE DEFENSE SYSTEMS AND COMPONENTS  
FOR COMPLIANCE WITH ABM TREATY.

(a) FINDINGS.—Congress makes the following find-  
ings:

(1) That section 232(a)(1) of the Missile De-  
fense Act of 1991 (10 U.S.C. 2431 note) establishes  
a goal for the United States to comply with the  
ABM Treaty (including any protocol or amendment  
thereto) and not develop, test, or deploy any ballistic  
missile defense system, or component thereof, in vio-  
lation of that treaty (as modified by any protocol or

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amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

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(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

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(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.-USSR SALT I Interim Agreement of 1972.

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(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

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(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as is technically possible.

(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

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(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.

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(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR-T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile-2 (SM-2) interceptor of the Navy.

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(c) REPORT REQUIRED.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the congressional defense committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade.

(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system

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and its ground-based interceptors at Grand Forks,  
North Dakota?

(B) If not, can design changes or operational  
changes be made to the Brilliant Eyes space-based  
sensor that—

(i) will result in the usability of the sensor  
in conjunction with the planned ground-based  
radar system and its ground-based interceptors  
being in compliance with the ABM Treaty; and

(ii) will not prevent the system from per-  
forming its strategic defense missions with a  
high degree of effectiveness?

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(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty?

(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?

(d) LIMITATIONS ON FUNDING.—(1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may

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be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade required by subsection (b) and has submitted to the congressional defense committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.

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(2) Not more than \$50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.

(e) ABM TREATY COMPLIANCE OF THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.

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(f) DEFINITION.—In this section, the term “ABM Treaty” has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

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(b) PROGRAM GOAL.—*The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.*

(c) ARROW CONTINUING EXPERIMENTS.—*The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fully fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program at the level of \$56,400,000.*

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~~(f) DEFINITION. In this section, the term "ABM Treaty" has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).~~

SEC. 224. THEATER MISSILE DEFENSE MASTER PLAN.

(a) MASTER PLAN REQUIRED.—(1) Not later than March 1, 1994, the Secretary of Defense shall submit to Congress a report containing an updated master plan for theater missile defenses.

(2) The plan shall include the following matters:

(A) A description of the mission and scope of theater missile defense.

(B) A description of the role of each of the Armed Forces in theater missile defense and an explanation of how those roles interact and complement each other.

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*(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate from funds appropriated pursuant to section 201 up to \$25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).*

*(2) Funds may not be obligated for the purpose stated in paragraph (1) unless the President certifies to Congress that—*

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(C) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a theater missile defense system by the Ballistic Missile Defense Organization.

(D) A detailed acquisition strategy for theater missile defenses, including an analysis and comparison of the projected life-cycle costs of each theater missile defense system intended for production, showing the component costs for—

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(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

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(i) research, development, test, and evaluation;

(ii) procurement;

(iii) operation and maintenance; and

(iv) personnel for each system.

(E) The baseline production rate for each system for each year of the program through completion of procurement.

(F) An estimate of the unit cost and capabilities of each element.

(G) A description of the current and planned testing program for theater missile defenses, including a description of demonstration targets to be

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(D) *the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.*

(e) *SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.*

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tracked and engaged by multiple interceptors, target discrimination from decoys, and a shoot-look-shoot capability.

(H) A description of how any projected theater missile defense program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty regimes, indicating clearly any potential noncompliance with either treaty regime, when such noncompliance would occur, and the position of the Secretary of Defense as to whether provisions of either treaty regime would have to be renegotiated within that regime in order to address future contingencies.

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(1) A description of planned theater missile defense doctrine, training, tactics, and force structure.

(b) OBJECTIVES OF PLAN.—In preparing the master plan the Secretary shall—

(1) seek to maximize the use of existing technologies (such as AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

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At the end of subtitle C of title II (page 70, after line 19), insert the following new section:

SEC. \_\_\_\_ TACTICAL AND THEATER MISSILE DEFENSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Systems to provide effective defense against theater and tactical ballistic missiles that may be developed and deployed by the United States have the potential to make equal or greater contributions to the national security interests of nations that are allies of the United States as they do to the national security interests of the United States.

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(2) The cost of developing and deploying a broad spectrum of such systems will be several tens of billions of dollars.

(3) A truly cooperative approach to the development and deployment of such systems could substantially reduce the financial burden of such an undertaking to any one country and would tap additional sources of technological expertise.

(4) While recent statements of nations that are allies of the United States have expressed a desire for greater involvement in United States tactical

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missile defense efforts, those nations are unlikely to support programs for theater missile defense development and deployment unless, at a minimum, they can play a meaningful role in the planning and execution of such programs, including active participation in research and development and production of the systems involved.

(5) Given the high cost of developing theater ballistic missile defense systems, allied participation in tactical missile defense efforts would result in substantial savings to the United States.

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(b) PLAN AND REPORTS.—(1) The Secretary of Defense shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the United States with that of its allies, in order to avoid duplication of effort, to increase interoperability, and to reduce costs. The plan shall set forth in detail any financial, in-kind, or other form of participation in cooperative efforts to plan, develop, produce, and deploy theater ballistic missile defenses for the mutual benefit of the countries involved.

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(2) The Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall be submitted in both classified and unclassified versions, as appropriate, and may be submitted as a component of the next annual Ballistic Missile Defense Organization report to Congress.

(3) The Secretary shall include in each annual Ballistic Missile Defense Organization report to Congress a report on steps taken to implement the plan developed under paragraph (1). Each such report shall set forth the status of discussions with United States allies for the purposes stated in that paragraph and the status of contributions by those allies to the Theater Missile Defense Cooperation Account, shown separately for each allied country covered by the plan.

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(c) RESTRICTION ON FUNDS.—Of the total amount appropriated pursuant to authorizations in this Act for theater ballistic missile defenses programs, not more than 80 percent may be obligated until—

(1) the report under subsection (b)(2) is submitted to Congress; and

(2) the President certifies in writing to Congress that each of the NATO allies, Japan, Israel, South Korea, and any other country that the President considers appropriate have been formally con-

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tacted concerning the matters described in the report.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, whenever the United States deploys theater ballistic missile defenses to protect another country, or the military forces of another country, that has not provided financial or in-kind support for development of theater ballistic missile defenses, the United States should consider whether it is appropriate to seek reimbursement from that country to cover at least the incremental cost of such deployment.

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(e) REQUIREMENT TO ESTABLISH ANNUAL TMD LEVEL.—The Congress shall establish by law for each fiscal year (beginning with fiscal year 1995) the level of new obligational authority (stated as a single dollar amount) for research, development, test, and evaluation and for procurement for theater missile defense programs of the Department of Defense for that fiscal year.

(f) ALLIED PARTICIPATION IN TMD.—Congress encourages greater participation by United States allies, and particularly by those nations that would benefit most from Theater Missile Defense systems, in cooperative Theater Missile Defense efforts with the United States.

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(g) FUND FOR ALLIED CONTRIBUTIONS.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

“§2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account

“(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

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"(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the 'Theater Missile Defense Cooperation Account'.

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—(1) Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense.

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“(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

“(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.

“(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

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"(f) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account."

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In evaluating the various components of the administration's BMD budget request, the committee has been guided by several basic principles:

- (1) Theater missile defense should receive priority over national missile defense, which in turn should receive priority over follow-on technologies.
- (2) Priority should be given to those systems that can be deployed sooner over those that cannot be deployed until later.
- (3) Priority should be given to those systems that are critical to meeting agreed objectives over those that merely augment or modestly improve on existing or planned systems. Incrementalism is an unaffordable luxury in today's budget environment.
- (4) All things being equal, priority should be given to those systems whose performance is based on field trials rather than paper studies.
- (5) The country can no longer afford large numbers of systems with overlapping capabilities. Tough choices must be made, and the committee will not shy away from them.
- (6) Programs should not be funded in fiscal year 1994 that cannot be funded adequately in future years.
- (7) Systems that are in compliance with the Anti-Ballistic Missile Treaty should be given higher priority than those that pose serious problems with treaty provisions. We remain a nation of laws, and until such time as the treaty might be modified, repealed, or withdrawn from, the committee believes that the legal obligations assumed by all nations should be obeyed and expresses its concern over the disregard shown by some for treaty restrictions.

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## Ballistic missile defenses

The administration has directed a "bottom-up" review of ballistic missile defenses to determine the future scope, pace, and funding to be requested of the Congress for these activities. For fiscal year 1994, the administration requested \$3.8 billion, corresponding to the funding level appropriated for fiscal year 1993. As an interim policy, the Secretary of Defense has directed that theater missile defenses (TMD) should have highest priority, and that second priority be assigned to an ABM Treaty-compliant, limited defense system (LDS) to protect the American people from small accidental or unauthorized launches of currently-deployed ICBMs and from international launches at some future date of one or a few long-range ballistic missiles by hostile Third World states. Consistent with the refocusing of the program on near-term deployments, the administration has changed the name of both the Strategic Defense Initiative (SDI) and its management agency, the Strategic Defense Initiative Organization (SDIO), to, respectively, the Ballistic Missile Defense (BMD) program and the Ballistic Missile Defense Organization (BMDO). The committee recommends a provision (sec. 221)

that would incorporate these nomenclature changes into the Missile Defense Act of 1991 (Public Law 102-190), as amended.

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The committee directs termination of the RAPTOR TALON program and the transfer of \$8.5 million for the RAPTOR unmanned aerial vehicle to a new program element as a part of the defense airborne reconnaissance initiative. The committee also directs the transfer of the miniature sensor technology integration development program to the Advanced Research Projects Agency and recommends \$28.884 million in PE 603226E for that purpose.

The committee is committed to the priority of theater missile defenses in the BMD program and wants to ensure that the theater missile defense (TMD) systems under development are appropriate to the threat environments they will face in the years to come. The committee recommends reductions in the program have been made with a view that the department must make the hard choices to select those programs which will provide the most cost-effective TMD capability. In the future the department must avoid having too many and inadequately funded programs. The committee encourages the department to complete those near-term experiments and tests that would confirm the effectiveness of particular technologies for theater missile defense applications.

The committee also recommends a legislative provision (sec. 239) that would require a report on the cost of establishing a single site national defense at Grand Forks, North Dakota.

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At present, the United States has no capability to intercept ballistic missiles launched at U.S. territory, and U.S. military forces have only a limited capability to engage shorter-range tactical ballistic missiles (TBMs) and cruise missiles using the Patriot system. Improvements are urgently required, and the committee endorses both the current competition between the multimode and the extended range interceptor (ERINT) missiles, and the scheduled February 1994 down-select to a single contractor, an important step to ensure early deployment of the improved Patriot PAC-3 intercept capability. The committee urges a prompt down-select decision, unless neither of the candidate systems has been able to meet all planned demonstration objectives, and provides latitude in section 222 to BMDO to retain both contractor teams until a decision is made.

The committee is also interested in technologies that show promise of providing a capability for boost-phase intercept of short-range TBMs and that might be deployable within this decade. The committee is aware of several candidates, including one proposed by the government of Israel. The committee urges the BMDO to give such concepts careful consideration, and if they decide to pursue any of the candidates, to provide appropriate funding.

The committee has been informed that the administration has determined that the "narrow" or "traditional" interpretation of the ABM Treaty is the legally correct interpretation and, therefore, that the ABM Treaty prohibits the development, testing, or deployment of sea-based, air-based, space-based, and mobile land-based ABM systems and components without regard to technology. The committee applauds this determination. However, testimony before the committee this year establishes that the administration has not yet had time to begin compliance reviews of any programs, although it is continuing to expend current-year funds and requesting fiscal year 1994 funds for a host of ballistic missile defense systems and components the compliance of which with the ABM Treaty has not yet been determined. The committee is concerned about

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### *Theater missile defense roadmap*

The committee recommends a legislative provision (sec. 237) that would require a thorough and complete evaluation of the future of Theater Missile Defense programs as part of BMDO's annual report to Congress. Before full-scale development and deployment of theater missile systems begins, the committee believes that Congress and the public need a more complete understanding of the programs and their contribution to U.S. security interests. The committee is also concerned that there may be a significant degree of overlap in the systems under development. This section would make clear the committee's belief that the military services should utilize each others systems to the maximum extent feasible. The committee also believes that the various Theater Missile Defense programs should conform to the existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty provisions. The committee directs the Secretary to report to the relevant defense and foreign affairs committees of Congress on any potential non-compliance with either treaty, when such non-compliance is expected to occur, and whether such treaty provisions need to be modified to address future contingencies.

### *Theater ballistic missile defense system*

The committee supports continued funding for both candidate systems for the PAC-3 theater ballistic missile interceptor upgrade program. The committee has earmarked the budget requested for these candidate systems and encourages the Director, Ballistic Missile Defense Office, to take appropriate steps to ensure that development of both candidates can proceed to provide for a fully-informed selection of the preferred system for theater ballistic missile defense.

The committee is concerned over the schedule slippages that have occurred in this program and urges the Army to make every reasonable effort to maintain its current schedule for initiating the Engineering and Manufacturing Development phase of the program.

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the continuing obligation of hundreds of millions of defense dollars for research and development activities on programs, systems, or components that may subsequently be found not to be testable or, worse yet, deployable under the terms of the ABM Treaty. Therefore, in section 223, the committee restricts the obligation of funds for a number of programs, projects, and activities until such time as compliance reviews have been conducted and the results reported to the congressional defense committees. Additional funding and programmatic guidance with regard to the brilliant eyes program is contained in a section on space-based early warning, missile tracking, and space surveillance elsewhere in this report.

The committee further notes that the Congress, both directly and through the Missile Defense Act, has continuously urged the administration to undertake negotiations aimed at both clarifying ambiguities in the Treaty language and agreeing upon such modifications to the Treaty as may be found mutually desirable in order to improve the effectiveness of both theater missile defenses and systems for defending against limited attacks by strategic weapons. The committee continues to believe that Russia should have at least as great an interest in improved missile defenses as does the United States. Accordingly, the committee urges the new administration to formulate the goals for the United States of such negotiations regarding the ABM Treaty and to establish a timetable for undertaking such negotiations in a timely fashion.

In the Missile Defense Act of 1991, the committee, acting on information and testimony provided by the SDIO, set as a "goal" the activation of the initial LDS site at Grand Forks, North Dakota, by 1996. Information and testimony provided after enactment of the Act made clear that the 1996 deployment date was unrealistic, and that initial activation of the site could not occur before the end of the decade, under current acquisition procedures and accepting only moderate concurrency and technical risk. The committee and the Congress reluctantly accepted this judgment in revisions to the Missile Defense Act enacted in the National Defense Authorization Act for Fiscal Year 1993, but expressed in the statement of managers accompanying the conference report (H. Rept. 102-966) the following sense of urgency:

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## *Burdensharing in theater missile defense*

Theater missile defense has now become the highest priority of the U.S. ballistic missile defense program, a decision that the committee strongly endorses. Although direct ballistic missile threats to the continental United States are very remote, shorter range ballistic missile threats pose a more immediate, and growing threat to U.S. forces deployed abroad as well as to allies and friends. Although such threats may be "theater" to the United States, the committee notes that such threats should be considered "strategic" in character from the perspective of our allies and friends, who are much closer to the threatening third world countries in question.

The committee is puzzled that our allies and friends do not appear nearly as concerned about what should seem to be a more immediate strategic threat to them. With the exception of Israel, these countries are not engaged in any significant missile defense effort, nor are they providing financial or meaningful in-kind support to the U.S. effort. The committee urges the administration to seek genuinely cooperative relationships with our allies and friends in dealing with the theater threat. The committee also directs the Secretary to detail the reasons for the lack of greater allied efforts in the next BMD report to Congress.

## *Theater missile defense testing*

The committee notes the importance that realistic, multiple-shot engagements have played in the development of the Advanced Medium Range Air-to-Air Missile and believes that such realistic testing would be beneficial in the development of theater ballistic missile interceptors. Accordingly, the committee recommends a legislative provision (sec. 240) that would require the Secretary of Defense to certify that before entering production, a theater missile defense interceptor shall have performed successfully in more than two such realistic live-fire tests.

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The conferees direct the Secretary of Defense to develop the advanced TMD and initial ABM deployments consistent with sound acquisition procedures and in accordance with a low-to-moderate technical risk and low-to-moderate concurrency program. The conferees further direct the Secretary to structure this development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

The new administration's current guidance to BMDO is to accord first priority to advanced theater missile defenses, and second priority to the initial LDS site, but on a timetable of "as soon as possible but not later than 2004."

The committee looks forward to receipt of the results of the administration's "bottom up" review as it pertains to both BMD programs and timetables for deployment.

Although the BMDO submitted the required plan for theater missile defenses in June 1993, this plan has already been overtaken by the bottom-up review and the funding reductions for BMD activities from the previous administration's plan. Accordingly, in section 224 the committee directs the Secretary of Defense to prepare and submit a new plan based on the results of that review and the development of a Future Years Defense Program. The committee has a number of substantive questions about the appropriate pace and direction of missile defenses in light of declining defense budgets. The committee also has a number of concerns about the limited progress which the BMDO has made in transitioning from the previous SDI-dominated technology development mentality to the more deployment-oriented mentality implied by both the Secretary's guidance, and that contained in the Missile Defense Act, as amended. The committee hopes that the results of the administration's review will provide answers to the following kinds of questions:

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*Boost phase interceptor*

The committee notes that the BMDO currently has a \$6 million study underway jointly with the Israeli Ministry of Defense looking into the feasibility of a proposed boost phase interceptor concept. This study is due for completion in September 1993. Of the funds authorized for Theater Missile Defense, the committee directs that up to \$15 million may be utilized for the purpose of commencing a cooperative concept exploration program on a boost phase interceptor. Funds may not be obligated for this purpose unless the Secretary of Defense certifies to the congressional defense committee that a) the United States and Israel have entered into an international agreement governing the conduct and funding of such an effort, and b) the projects in which the United States will join under that agreement will have a direct benefit for the United States as well as Israel and have not been restricted by other congressional direction.

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*With regard to theater defenses--*

It appears that theater systems now under development--Patriot PAC-3, theater high altitude area defense interceptor (THAAD), and Navy lower-tier--are adequate to defend, from no more than a few sites, U.S. expeditionary forces; the allied bases, ports, and infrastructure they will use to project U.S. power against the enemy; and the forces and populations of the host countries from whose territory we project that power. Given such capabilities, how urgent is the necessity to extend through more advanced upper-tier systems, the coverage of missile defenses to prospective allies and/or coalition partners outside the immediate theater of operations?

If capabilities to defend against missile attack the population of prospective allies and coalition partners outside an immediate theater of operations are important, to what extent should the U.S. taxpayer fully or largely fund the development and deployment of those upper-tier capabilities?

To what extent should the U.S. taxpayer fund the development and deployment of such defenses for allied populations rather than develop and deploy defenses for American cities?

Given the proliferation of shorter range missiles and the gradual spread of longer-range theater missiles, to what extent should we expect allies and/or prospective coalition partners outside an immediate theater of operations to either have developed their own missile defenses, or have entered into cooperative agreements with us and other interested parties to develop and deploy such systems?

With regard to limited defenses for the continental United States--

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## SECTION 232—REPORT ON ALLOCATION OF FUNDS

With the submission of the fiscal year 1995 budget request, the Secretary of Defense would be required to submit a report to the congressional defense committees on the allocation of ballistic missile defense (BMD) funds for fiscal year 1994 and proposed allocations for fiscal year 1995 funds and an updated master plan and acquisition strategy for the TMD initiative.

## SECTION 235—PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM

This section would require an acquisition strategy for the Patriot Advanced Capability (PAC)-3 theater missile defense system based upon the competitive test and evaluation of the Patriot Multimode Missile and the Extended Range Interceptor (ERINT) missile and the selection of that technology which best meets missile requirements in terms of cost, schedule, risk, and performance. The provision would require continuation of that competitive strategy until the Secretary of Defense determines that adequate information is available on which to make the decision to proceed into engineering and manufacturing development. Funding levels for fiscal year 1994 would be authorized as follows: \$44.1 million for the Patriot Multimode Missile program, \$55.9 million for the Extended Range Interceptor program, and \$52.7 million for demonstration and validation and for engineering and manufacturing development for the system selected and for the conduct of appropriate risk mitigation activities. Should the decision be delayed, the provision would further provide that the Secretary of Defense ensure that demonstration and validation of both competing systems continue as needed to support an informed decision for the selection.

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In the absence of effective defenses against TBMs, an enormous proliferation of those weapons has taken place. The prospect that more effective defenses will be available before the end of the decade does not seem to deter this proliferation. Given this example, is there a preemptive or deterrent value to U.S. development and deployment of a Treaty-compliant LDS capability before a long-range, Third World ballistic missile threat to the United States has emerged?

What is the likely cost differential between an LDS deployment planned for a date certain, and a crash program to deploy LDS capabilities once a Third World threat has emerged?

It is known that Ukrainian technicians are seeking to wrest operational control of the ICBMs on their territory from the Russians. To what extent do such efforts increase the risk of an accidental or unauthorized missile launch toward U.S. territory?

The Army's Strategic Defense Command believes a Treaty-compliant LDS can be deployed at least two years earlier than 2004, and at significantly less cost than BMDO estimates. Why, after an investment of more than \$30 billion in R&D since the establishment of the SDI program, does it still require 11 years to deploy one phased-array radar, a handful of interceptor missiles, and appropriate battle management and communications systems? From a standing start, we landed a manned spacecraft on the lunar surface in less time than that. Is "acquisition streamlining" an appropriate response?

BMDO estimates the cost of the LDS in 2004 at \$21.8 billion, plus another \$7.1 billion for "supporting costs for test infrastructure, data collection assets, and risk reduction efforts." This represents one-third of the basic acquisition costs of the LDS system. Is this a reasonable charge, or does BMDO have too large an infrastructure and support cost for the likely scale of future deployments?

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## SECTION 237--THEATER MISSILE DEFENSE ROAD MAP

This section would provide guidelines for conduct of the theater missile defense initiative: (1) maximize the use of existing systems and technologies; (2) promote joint use of existing and future ballistic missile defense equipment by the military departments, rather than each department developing its own systems; and (3) seeking the maximum integration and compatibility of ballistic missile defense systems and respective roles and mission of those systems among the military departments.

The provision would require the Secretary of Defense, as a part of his annual report on the strategic defense initiative, to submit a thorough and complete analysis of the theater missile defense program that describes the theater missile defense mission and scope; the roles of each military service in theater missile defense and how they interact and complement one another; the cost and relative effectiveness of each interceptor and sensor under development as part of a theater missile defense system; and an analysis and comparison of projected system life-cycle costs, baseline production schedule and rates, and estimates of unit costs and capabilities for each component element. The provision would require the Secretary to describe the testing program for theater missile defense systems and major components and to evaluate the adequacy of the testing program. The Secretary would also be required to include a statement of how production and deployment of any projected theater missile defense program will conform to existing anti-ballistic missile and intermediate nuclear forces treaty regimes.

## SECTION 238--ADDITIONAL BMD PROGRAMS

This section would authorize \$102 million for aggressive exploration of Navy upper tier theater missile defense (TMD) and require initiation of an accelerated advanced technology demonstration of the Navy Standard Missile combined with a kickstage rocket motor and lightweight exoatmospheric projectile (LEAP) as a near term option for cost-effective wide area TMD.

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The 2004 deployment date for the LDS assumed use of the brilliant eyes sensor system to extend LDS coverage over both East and West coast territory from a single site at Grand Forks. Given the determination that the "traditional" interpretation of the ABM Treaty is the legally correct one, this use of brilliant eyes may be precluded. If so, what will BMDO substitute in the LDS architecture? Ground-launched surveillance and tracking system (GSTS)? Or upgrades to ballistic missile early warning system (BMEWS) radars?

With regard to other follow-on technologies--

What effect does the recent determination by the administration regarding the ABM Treaty have on the programs within this line-item? What restrictions on development, if any, will there be on the brilliant pebbles program? The neutral particle-beam program? The space-based high-energy laser program? Other programs?

Should more of these programs be removed from the BMD program and refocused on other challenging defense missions (e.g., high energy lasers for shipboard defense against sea-skimming cruise missiles)?

Why is BMDO continuing to fund programs such as rapidly reusable launch vehicles and Topaz space-based nuclear reactors when there is no current or foreseeable BMD deployment requiring either large-scale power sources in space or rapid-turnaround space-launch capability?

This is in no sense an exhaustive list, but rather is indicative of the need for the administration to provide the results of its BMD review and its programmatic recommendations as soon as possible. The committee believes that the new Secretary of Defense should have the same flexibility provided last year to his predecessor to remove systems from the "other follow-on research" category; this is provided in section 225.

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### SECTION 240—THEATER MISSILE DEFENSE INTERCEPTOR TESTING

This section would establish as a condition for approval of low-rate initial production (Milestone III) for a theater missile defense interceptor that the Secretary of Defense certify that at least two realistic live-fire tests of the interceptor have been conducted which demonstrate the achievement of the required single shot probability of kill. The tests must involve multiple interceptors, multiple targets, and realistic countermeasures.

### SECTION 241—ARROW TACTICAL ANTI-MISSILE PROGRAM

This section would provide \$56.4 million for the U.S. contribution to the ongoing program in Israel to develop the ARROW anti-missile. It would also renew the expiring authority—first enacted in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190)—for the Secretary of Defense to obligate funds for the follow-on ARROW deployability initiative if certain requirements are met.

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The committee believes that the "bottom-up" review of BMD programs should focus on the necessity to streamline the BMDO and the BMD acquisition system in order to reduce costs of deployed systems. Accordingly, in section 226, the committee directs the Secretary to undertake a wide-ranging review of ways in which the cost and deployment timetable for BMD systems can be reduced without relying on an unacceptable degree of risk or concurrency.

As discussed elsewhere in this report, the committee transfers \$252.6 million requested for the brilliant eyes program to a special account under the control of the Secretary of Defense. The committee expects the combination of the "bottom-up review," the authority to transfer follow-on programs to the services and ARPA, and the focus on acquisition streamlining to lead to a lower requirement for funds than the requested amount. The committee therefore recommends an undistributed reduction of \$300.0 million to the request. The Secretary may allocate funds appropriated pursuant to this authorization to the existing individual BMDO line items in accordance with the authority provided by section 227.

### Arrow Tactical Ballistic Missile Defense Program

The committee reiterates its longstanding concern over the existing ballistic missile threat to the nation of Israel, and acknowledges the need to help that important ally secure appropriate defenses against that threat. However, the committee notes that a recent General Accounting Office (GAO) report expressed concerns that the Arrow tactical ballistic missile defense system, funded primarily by the United States through the Ballistic Missile Defense Organization and currently in the research and development phase, has not been subjected to the necessary pre-acquisition review and evaluation process.

Therefore, the committee recommends that the Secretary of Defense conduct a thorough baseline review of this program and report the findings to the congressional defense committees. This report will allow the Congress to determine whether the Arrow is the best approach to achieving the objectives of both nations, given U.S. fiscal constraints, technology transfer concerns, and other national security interests.

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SEC. 221. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) *LIMITATION.*—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris within 50 miles of the Canyonlands National Park, Utah.

(b) *DEFINITION OF DEBRIS.*—For purposes of subsection (a), the term “debris” does not include particulate matter that is regulated for considerations of air quality.

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*Limitation on flight tests of certain missiles (sec. 221)*

The House bill contained a provision (sec. 222) that would impose limitations on missile launches for test purposes.

The Senate amendment contained no comparable provision.

The Senate recedes with an amendment that would limit, for one year from the date of enactment of this act, any test launches that would release debris within 50 miles of Canyonlands National Park, Utah.

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(1) not more than \$1,450,992,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

SEC. 233. PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM.

(a) COMPETITION FOR MISSILE SELECTION.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of October 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability-3 (PAC-3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the weapon systems referred to in subsection (d), shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in October 1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability-3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

(c) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—If a decision is not made before February 28, 1994, to proceed into the Engineering and Manufacturing Development stage under a weapon system program referred to in subsection (d), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC-3 Missile program.

(d) COVERED WEAPON SYSTEM PROGRAMS.—For purposes of subsections (a) and (c), the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

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The conferees note that, in its recently completed Bottom-Up Review, the Administration has significantly reordered priorities for the ballistic missile defense program to emphasize protection of forward-deployed U.S. forces in the near-term and to proceed with a more robust theater missile defense program. The limited defense system program would be continued as an aggressive technology development program. The conferees are strongly committed to the top priority assigned to theater missile defense in the BMD program. The conferees are also highly supportive of a strong technology development program to reduce lead-times for deployment of a limited national missile defense system should a significant threat develop. The conferees further note that the level of funding authorized in this act is significantly lower than the annual average funding level for ballistic missile defenses recommended in the Bottom-Up Review. In part, this outcome represents the conferees' judgment that, for fiscal year 1994, other competing programs are of higher priority than additional BMD funding; in part, it reflects the conferees' judgment that the Department of Defense has not yet made the case for the funding levels it recommends in the Bottom-Up Review. Future program plans, timetables for deployment, testing plans, and missile defense architectures are incompletely defined, providing little basis, thus far, for congressional support of higher funding levels. Accordingly, the conferees require detailed reporting on the specific directions that the Administration intends to pursue in support of its broad BMD policy statements over the period covered by the future years defense program.

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(2) *The Extended Range Interceptor (ERINT) missile program.*

**SEC. 234. COMPLIANCE OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS WITH ABM TREATY.**

(a) *FINDINGS.*—Congress makes the following findings:

(1) Section 232(a)(1) of the *Missile Defense Act of 1991* (10 U.S.C. 2431 note) establishes a goal for the *United States* to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the *United States* against limited attacks of ballistic missiles.

(2) The Department of Defense has conducted no formal compliance review of any of the components or systems scheduled for early deployment as part of either the *Theater Missile Defense Initiative* or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) The Department of Defense is continuing to obligate hundreds of millions of dollars for the development and testing of systems or components of ballistic missile defense systems before a determination has been made that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) The President requested the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

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**POLICY GUIDANCE**

In section 234, the conferees require reports on the compliance of the current baseline configuration of several theater missile defense systems and components with the current interpretation of the ABM Treaty. The systems to be evaluated include the following:

- The Patriot multimode missile
- The extended range interceptor (ERINT)
- The theater ground-based radar
- The THAAD interceptor missile
- The Brilliant Eyes program
- Planned upgrades to the AEGIS/SPY radar system and the SM-2 interceptor missile.

The conferees also agree to limit the obligation of funds for each of the programs listed above to not more than 50 percent of the fiscal year 1994 funds allocated for that program to ensure that the information on compliance is available prior to the start of consideration of the fiscal year 1995 defense request.

In sections 235 and 236, respectively, the conferees require the Administration to provide detailed "roadmaps" of its multi-year plans for development and deployment of robust theater missile defenses, and its multi-year development plans for a limited defense system. The conferees are concerned that, within the theater missile defense initiative, duplicative and overlapping programs exist, and more programs are being considered for development and deployment than prospective future funding levels can support. The conferees agree that the threat is here today and that current defense capabilities need to be augmented by improved fielded capabilities, deployable in adequate numbers. Too often, the Department has allowed pursuit of some "better" longer term alternative

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(5) *The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iraq, Iran, and North Korea.*

(6) *Some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than the capabilities of missiles which were determined to be strategic missiles more than 20 years ago under the SALT I Interim Agreement of 1972 entered into between the United States and the Soviet Union.*

(7) *The ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.*

(8) *It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles as soon as is technically possible.*

(9) *It is essential that the Secretary of Defense immediately undertake and complete a review for compliance with the ABM Treaty of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.*

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to delay the development and fielding of quite good—and badly needed—nearer term capabilities. The conferees believe strongly that the Department must make the hard choices necessary to select those programs which will provide the most cost-effective theater missile defense capabilities within realistic overall budget ceilings. The conferees also encourage the completion of those critical near-term experiments and tests that would confirm the effectiveness of particular technologies for theater missile defense application. The conferees intend to scrutinize the BMDO theater missile defense plan closely to ensure the rapid availability of improved missile defenses to U.S. expeditionary forces.

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(b) *REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the current baseline configuration of each system or system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, or deployment of that system or system upgrade would be in compliance with the ABM Treaty, including the interpretation of the Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.*

(2) *The systems and system upgrades to be reviewed pursuant to paragraph (1) are the following:*

- (A) *The Patriot Multimode Missile.*
- (B) *The Extended Range Interceptor (ERINT).*
- (C) *The Ground-Based Radar for theater missile defenses (GBR-T).*
- (D) *The Theater High Altitude Area Defense interceptor missile (THAAD).*
- (E) *The Brilliant Eyes space-based sensor system.*
- (F) *Upgrades to the AEGIS/SPY radar system of the Navy.*
- (G) *Upgrades to the Standard Missile-2 (SM-2) interceptor of the Navy.*

(3) *If during the course of the compliance review under paragraph (1) (or any other such compliance review of a ballistic missile system or system upgrade), an issue arises that appears to indicate that a provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles, the Secretary of Defense shall immediately submit to the appropriate congressional committees a report on that issue.*

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The conferees further note that, under the former "Strategic Defense Initiative (SDI)", substantial sums were invested in large test facilities, numerous projects and activities which may be of possible national defense utility but which may be unnecessary to the current emphasis on development and deployment of specific missile defense architectures, and countless studies, analyses, and contractor support activities, which should now be largely superfluous and unnecessary. In sum, BMDO has changed its name and has completed the broad outlines of a reorganization from SDI to deployable theater missile defenses. But many more programs, projects, and activities of limited relevance to near-term goals remain. Moreover, BMDO infrastructure and outside support cadres are still too robust for future funding levels. The BMDO needs to further streamline its overhead and slim down its programs, projects, and activities, in order to devote the bulk of its efforts to those missile defense development and deployment activities endorsed by Congress in this act.

In section 242, the conferees urge the Administration to establish meaningful cooperative development programs for the development of improved theater missile defense capabilities with our major allies. The proliferation of ballistic missiles and the anticipated increase in the range, sophistication, and lethality of those missiles and warheads means that most of our allies are now, or soon will be, threatened by potential ballistic missile attacks against their homelands, perhaps including attacks with weapons of mass destruction. Therefore, our major allies should have a common interest with the United States in the development of improved theater missile defenses, including the so-called "upper tier" defenses against longer-range theater missiles. Because the United States may be hard-pressed to fund adequately from available defense resources all of the worthwhile theater missile defense programs, the Administration needs to pursue diligently the establishment of cooperative programs in this area. The Administration should not merely seek allied financial contributions to ongoing BMDO programs, but shall establish a sharing of research tasks as well. Furthermore, it is in the interest of the United States and our allies to ensure that fielded theater missile defense capabilities are fully interoperable and complementary.

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(c) REPORT.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the appropriate congressional committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade. For any system or system upgrade determined not to be in compliance with the ABM Treaty, the Secretary shall indicate (A) what changes to the ABM Treaty would be required for the system to be deemed compliant with such modified ABM Treaty, and (B) what changes to the performance capability of the system or system upgrade would be required in order for it to become compliant with the existing Treaty, together with the effect of those performance capability changes on the effectiveness of the planned missile defense architecture.

(2) With regard to the Brilliant Eyes space-based sensor system, the Secretary shall include in the report findings on each of the following issues:

(A) Whether the current baseline configuration of the Brilliant Eyes space-based sensor system would comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota.

(B) If not, whether design changes or operational changes can be made to the Brilliant Eyes space-based sensor system that—

- (i) will result in the sensor system, when employed in conjunction with the planned ground-based radar system and its ground-based interceptors, being in compliance with the ABM Treaty; and
- (ii) will not prevent the sensor system from performing its strategic defense missions with a high degree of effectiveness.

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(C) If not, whether the Brilliant Eyes space-based sensor system can be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty.

(D) If so, the extent to which deployment of the Brilliant Eyes space-based sensor system would enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively.

(d) LIMITATIONS ON FUNDING PENDING SUBMISSION OF REPORT.—(1) Not more than 50 percent of the funds reported pursuant to section 231(e) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) may be obligated for that system or system upgrade, or any of its components, until the Secretary completes the compliance review of such system or system upgrade required by subsection (b) and submits to the appropriate congressional committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c).

(2) Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(B) for the acquisition of any material or equipment (including long lead materials, components, piece parts, or test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

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In section 237, the conferees incorporate separate provisions of the House bill (sec. 240) regarding theater missile defense testing and the Senate amendment (sec. 228) regarding testing of limited defense system components.

PROGRAMMATIC GUIDANCE

Both the House bill and the Senate amendment contained provisions that would offer programmatic direction and guidance on missile defense activities to BMDO.

In section 233, the conferees provide guidance regarding the current competition to provide improved Patriot PAC-3 capabilities. The conferees provide a mechanism to ensure that, in the event the scheduled February 28, 1994, downselect decision by BMDO is delayed, funding will be available to support both competitor teams until such a decision is taken. The conferees, however, urge BMDO to adhere to the current schedule for selection, and direct BMDO to notify the congressional defense committees promptly of any delay, and the reasons for such delay, in the scheduled downselect decision.

The House bill contained a provision (sec. 238) that would direct the Secretary of Defense to pursue a particular "upper tier" theater missile defense configuration. The conferees agree not to adopt the House provision; however, the Secretary is directed to include consideration of this particular configuration in the theater missile defense roadmap required by section 235. The Secretary is also directed to ensure the performance of the required critical tests and evaluations that will demonstrate the potential effectiveness of the several alternatives under consideration for lower tier and upper tier theater ballistic missile defenses.

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## (e) DEFINITIONS.—In this section:

(1) The term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the ABM Treaty and accompanied by an enclosure setting forth such interpretation.

(2) The term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

(3) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

## SEC. 235. THEATER MISSILE DEFENSE MASTER PLAN.

(c) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

(b) TMD MASTER PLAN.—The Secretary of Defense shall submit to Congress a report (which shall constitute the TMD master plan) containing a thorough and complete analysis of the future of theater missile defense programs. The report shall include the following:

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The House bill contained a provision (sec. 241) that would strongly endorse the joint U.S.-Israel ARROW cooperative program and would direct certain funding levels for the program. The Senate amendment contained a provision (sec. 216) that would require the Secretary to conduct a full review of the ARROW program. In section 238, the conferees reiterate their support for the ongoing ARROW program. At the same time, the conferees recognize the importance of careful review and accountability for funds provided and to be provided in support of the joint program. Accordingly, in section 239, the conferees require the Secretary to review the ARROW program and provide the results to the relevant congressional committees.

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- (1) A description of the mission and scope of Theater Missile Defense.
  - (2) A description of the role of each of the Armed Forces in Theater Missile Defense.
  - (3) A description of how those roles interact and complement each other.
  - (4) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.
  - (5) A detailed acquisition strategy which includes an analysis and comparison of the projected acquisition and life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each system).
  - (6) Specification of the baseline production rate for each year of the program through completion of procurement.
  - (7) An estimate of the unit cost and capabilities of each system.
  - (8) A description of plans for theater and tactical missile defense doctrine, training, tactics, and force structure.
- (c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b)—
- (1) a description of the current and projected testing program for Theater Missile Defense systems and major components; and

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(2) an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Defense program will conform to all relevant arms control agreements. The report shall describe any potential noncompliance with any such agreement, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that agreement to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

(f) OBJECTIVES OF PLAN.—In preparing the master plan, the Secretary shall—

(1) seek to maximize the use of existing technologies (such as SM-2, AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

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(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

(g) REVIEW AND REPORT ON DEPLOYMENT OF BALLISTIC MISSILE DEFENSES.—(1) The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, testing, and deployment of theater ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency.

(2) In conducting the review, the Secretary shall obtain recommendations and advice from—

(A) the Defense Science Board;

(B) the faculty of the Industrial College of the Armed Forces; and

(C) federally funded research and development centers supporting the Office of the Secretary of Defense.

(3) Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on the Secretary's findings resulting from the review under paragraph (1), together with any recommendations of the Secretary for legislation. The Secretary shall submit the report in unclassified form, but may submit a classified version of the report if necessary to clarify any of the information in the findings or recommendations or any related information. The report may be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

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SEC. 237. THEATER AND LIMITED DEFENSE SYSTEM TESTING.

(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—  
Except for the acquisition of those production representative missiles required for the completion of developmental and operational testing, the Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone IIIA) acquisition stage until the Secretary certifies to the congressional defense committees that more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, have been conducted, the results of which demonstrate the achievement by the interceptors of the weapons systems performance goals specified in the system baseline document established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered engineering and manufacturing systems development. The live-fire tests demonstrating such results shall involve multiple interceptors and multiple targets in the presence of realistic countermeasures.

(b) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS OF LIMITED DEFENSE SYSTEM PROGRAM PROJECTS.—A developmental test may not be conducted under the Limited Defense System program element of the Ballistic Missile Defense Program until the Secretary of Defense reviews and approves (or approves with changes) the test plan for such developmental test.

(c) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (b) by a group composed of persons who—  
(A) by reason of education, training, or experience are qualified to monitor the testing covered by the plan; and  
(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

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SEC. 238. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101-510 (104 Stat. 1515) and section 241(a) of Public Law 102-190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) PROGRAM GOAL.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) ARROW CONTINUING EXPERIMENTS.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program in an amount not to exceed \$56,400,000.

(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate funds appropriated pursuant to section 201 in an amount not to exceed \$25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) (other than as required to satisfy the conditions set forth in this paragraph) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

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(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

#### SEC. 239. REPORT ON ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) REPORT REQUIRED.—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the Arrow Tactical Anti-Missile program. The Secretary shall design the report to provide those committees with the information they need in order to perform their oversight function. The Secretary shall obtain the information for the report from actual program data to which the United States Government has access, to the extent possible, or, if necessary, from the best estimates available to the United States Government.

(b) CONTENT OF REPORT.—The report shall include (at a minimum) the following:

- (1) The development and procurement schedules for the program.
- (2) The estimated annual and total cost of the program.
- (3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.
- (4) A detailed description of the contract types and cost estimating data for the program.

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(5) *An assessment of the performance of the Arrow interceptor and the Arrow system.*

(6) *An evaluation of the development and production risks under the program.*

(7) *Alternatives to the Arrow interceptor and Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or planned United States weapon system.*

(8) *For each such alternative—*

(A) *an assessment of the cost effectiveness of undertaking the alternative;*

(B) *the technology transfer implications; and*

(C) *the weapon proliferation implications.*

(c) *FORM OF REPORT.—The Secretary shall submit the report in classified and unclassified versions.*

(d) *CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to endorse United States participation in any aspect of the Arrow program beyond the research and development programs authorized by law.*

SEC. 242. COOPERATION OF UNITED STATES ALLIES ON DEVELOPMENT OF TACTICAL AND THEATER MISSILE DEFENSES.

(a) *FINDINGS.—Congress makes the following findings:*

(1) *Systems to provide effective defense against theater and tactical ballistic missiles that may be developed and deployed by the United States have the potential to make contributions to the national security interests of nations that are allies of the United States that would be equal to or greater than the contributions such systems would make to the national security interests of the United States.*

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(2) *The cost of developing and deploying a broad spectrum of such systems will be several tens of billions of dollars.*

(3) *A truly cooperative multinational approach to the development and deployment of such systems could substantially reduce the financial burden of such an undertaking on any one country and would involve additional sources of technological expertise.*

(4) *While leaders of nations that are allies of the United States have stated an interest in becoming involved, or increasing involvement, in United States tactical missile defense programs, the governments of those nations are unlikely to support programs for theater missile defense development and deployment unless, at a minimum, they can participate in meaningful ways in the planning and execution of such programs, including active participation in research and development and production of the systems involved.*

(5) *Given the high cost of developing theater ballistic missile defense systems, the participation of United States allies in the efforts to develop tactical missile defenses would result in substantial savings to the United States.*

(b) **PLAN AND REPORTS.**—(1) *The Secretary of Defense shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the United States with theater missile defense programs of United States allies, with the goal of avoiding duplication of effort, increasing interoperability, and reducing costs. The plan shall set forth in detail any financial, in-kind, or other form of participation by each nation in cooperative efforts to plan, develop, produce, and deploy theater ballistic missile defenses for the mutual benefit of the countries involved.*

(2) *The Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall be submitted in both classified and unclassified versions, as appropriate, and may be submitted as a component of the next Theater Missile Defense Initiative report to Congress.*

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(3) The Secretary shall include in each annual Theater Missile Defense Initiative report to Congress a report on actions taken to implement the plan developed under paragraph (1). Each such report shall set forth the status of discussions between the United States and United States allies for the purposes stated in that paragraph and shall state the status of contributions by those allies to the Theater Missile Defense Cooperation Account, shown separately for each allied country covered by the plan.

(c) RESTRICTION ON FUNDS.—Of the total amount appropriated pursuant to authorizations in this Act for theater ballistic missile defense programs, not more than 80 percent may be obligated until—

(1) the report under subsection (b)(2) is submitted to Congress; and

(2) the President certifies in writing to Congress that representatives of the United States have formally submitted to each of the member nations of the North Atlantic Treaty Organization and to Japan, Israel, and South Korea a proposal concerning the matters described in the report.

The President may submit with such certification a report of similar formal contacts with any other country that the President considers appropriate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever the United States deploys theater ballistic missile defenses to protect another country, or the military forces of another country, that has not provided financial or in-kind support for development of theater ballistic missile defenses, the United States should consider whether it is appropriate to seek reimbursement from that country to cover at least the incremental cost to the United States of such deployment.

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(e) **ALLIED PARTICIPATION IN TMD PROGRAMS.**—Congress encourages allies of the United States, and particularly those allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States. Congress also encourages participation by the United States in cooperative theater missile defense efforts of allied nations as such programs emerge.

(f) **FUND FOR ALLIED CONTRIBUTIONS.**—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

“§2609. **Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account**

“(a) **ACCEPTANCE AUTHORITY.**—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

“(b) **ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.**—(1) There is established in the Treasury a special account to be known as the ‘Theater Missile Defense Cooperation Account’.

“(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

“(c) **USE OF THE ACCOUNT.**—Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense.

“(d) **INVESTMENT OF MONEY.**—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the

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*Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.*

*"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.*

*"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.*

*"(f) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.*

*"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section."*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account."*

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*Provided, That not less than \$97,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT) missile: Provided further, That the Ballistic Missile Defense Organization (BMDO) shall continue its current strategy of flight testing, ground testing, simulations, and other Government analyses of the Patriot Multimode Missile and the Extended Range Interceptor for selection of the best technology in terms of cost, schedule, risk, and performance to meet PAC-3 missile requirements for theater missile defense and that the Director, BMDO, will determine when there is adequate information to proceed to selection for engineering and manufacturing development:*

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The Department requested \$3,637,135,000 for Ballistic Missile Defense research and development programs. The Committee recommends \$2,870,040,000 for the Ballistic Missile Defense Organization's programs, a reduction of \$767,095,000. This recommendation includes reductions proposed by the House Armed Services Committee in its 1994 bill, except that funding for the Brilliant Eyes program has been retained within this program. As noted elsewhere in this report, the Committee recommends a general reduction to space programs rather than to consolidate a number of DOD space programs in a single line item. The Committee has also included bill language to earmark \$97,000,000 only for the ERINT missile and to require that the Defense Department execute the PAC-III missile acquisition strategy which it justified to the Congress during hearings this year. The Committee directs that \$6,500,000 of theater missile defense funds are only for the classified HAVE YAK program. The Committee has also included bill language preventing the expenditure of funds on more than one public affairs office within the Washington, D.C. area with attendant cost savings of over \$500,000 annually.

The Ballistic Missile Defense Organization requested \$22,464,000 for Follow-On Technologies. Included in this program element is development of an unmanned aircraft (RAPTOR) that will serve as a host platform for a missile (TALON) to detect and destroy hostile theater-launched missiles. The Committee is concerned that the BMDO will spend several hundred million dollars to develop and deploy such a system at a time then the Defense Department and the intelligence community have terminated other highly capable unmanned aerial vehicles. The Committee is, therefore, directing that no funds provided to BMDO are available for any UAV programs without the specific prior approval of the House Committee on Appropriations.

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*Theater missile defense.*—This program element funds efforts to develop and demonstrate theater missile defenses and the systems required to support these defenses. The Committee approves \$1,364,047,000, a reduction of \$272,257,000 to the budget request. The House approved no funds under this program element. The Committee recommendation includes several actions.

First, the Committee adds \$10,000,000 to ensure that adequate resources are available to fund the development of a Navy lower tier system, an effort the Committee considers to be an important and appropriate first step in developing sea-based ballistic missile defenses.

Second, the Committee denies \$83,835,000 requested for development of the Navy exoatmospheric ballistic missile defense [BMD] system. The Committee considers this program to be premature until the Navy lower tier development proceeds and until further analysis and definition of requirements for the Navy upper tier defense. Given reduced funding levels for missile defense, BMDO officials indicated that other near-term theater defense programs would receive priority. The recommendation provides \$10,000,000 only to complete a Terrier Missile flight test which will reduce risk and provide data useful to both the Navy lower tier program as well as any future upper tier development effort.

Third, the Committee eliminates \$112,518,000 sought for development of Brilliant Eyes under the theater missile defense program element. The Senate prohibited obligation of BMDO funds for development of Brilliant Eyes. The Committee's action is described further in the preceding discussion on the Limited Defense System Program element.

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The BMDO funded, Navy-managed Terrier/LEAP [Lightweight ExoAtmospheric Projectile] flight test program is intended to demonstrate the feasibility of the Navy Upper Tier concept for Theater Ballistic Missile Defense, and specifically, the application of LEAP technology. The LEAP program has developed configurations with solid divert propulsion and others with hypergolic, or liquid propulsion. While one of the LEAP contractors has already demonstrated the maturity of solid divert propulsion by successfully hovering its test vehicles, BMDO has directed a second contractor to do the same. In view of the DOD safety requirement that hypergolic fuels not be stored aboard Naval ships, the solid propulsion LEAP systems appear to better meet the needs of the Navy. Accordingly, the Secretary of Defense, acting through the Director of BMDO and the Secretary of the Navy, is directed to ensure that the Terrier/LEAP flight test program includes flight tests incorporating the two alternative solid propulsion LEAP vehicles. The solid propulsion LEAP contractors should begin Terrier/LEAP integration work in FY94 with the objective of completing flight tests in FY95.

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Fourth, the Committee reduces the budget request for the theater high-altitude area defense [THAAD] by \$50,000,000. The Committee recommendation still provides over 38 percent real growth from the fiscal year 1993 funding level. BMDO officials indicated that THAAD missile weight has grown significantly and fundamental design changes are still being made to the interceptor. The THAAD aerodynamic design was recently changed in an attempt to address missile stability problems. In addition, BMDO documents continue to highlight that THAAD may come into conflict with the Anti-Ballistic Missile [ABM] Treaty in 1995. Finally, the THAAD program is funding parallel development efforts for several of the missile's components, calling into question the need to proceed at the current pace and level of risk. Given limited budget resources and the potential for conflict with a fundamental international treaty, the requested 73.4-percent real growth in THAAD is not justified.

Fifth, the Committee deletes \$31,998,000 to defer development of the corp level surface-to-air missile [Corps SAM]. DOD has not approved a validated operational requirements document, allocated full out-year funding, or demonstrated a strong commitment to the Corps SAM program, making this an unjustified investment in a declining defense budget.

Last, the Committee eliminates \$3,906,000 budgeted for studies to develop and demonstrate the means to destroy theater missile launchers and supporting equipment, generally referred to as the counterforce mission. These efforts duplicate ongoing Warbreaker and service counterforce simulation and demonstration exercises. The June 18, 1993, report to Congress on theater missile defense initiative [TMDI] programs stated that, "No current or planned TMDI-funded efforts are uniquely aimed at developing the required sensors, weapons, and other capabilities which could successfully attack targets" through passive defense or exploitation of

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counterforce. Agreeing that counterforce is not a BMDO mission, the Committee has deleted the requested funds.

The Committee recommendation also fully funds the budget request for the Arrow continuation experiments [ACES]. The Committee believes that the Department of Defense should evaluate the benefits to the United States of development of derivative systems to support the Arrow II missile. The Committee believes that, upon a favorable evaluation outcome, there are sufficient funds in this program element to define a development plan and to report to the Congress on the costs and scope of any mutually beneficial efforts.

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The Committee also adds \$30,000,000 (eliminated from the E-2C squadrons program element) to begin a high-priority, Mountain Top demonstration to demonstrate key elements of an over-the-horizon ship air defense engagement system. This new effort at the Navy Pacific Missile Range facility, Barking Sands, Kauai, would reduce risk prior to initiating the costly, complex task of integrating such components into an airborne platform. As such, the demonstration is key to reducing risk in other programs to develop long-range fleet defense systems, including cooperative engagement, E-2C aircraft computer upgrades, and ship self-defense. The project also permits the Army to investigate the potential for extending the range and effectiveness of the Patriot surface-to-air missile system.

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In lieu of the matter stricken by said amendment insert: : *Provided, That not less than \$97,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT) missile: Provided further, That not less than \$55,000,000 of the funds appropriated in this paragraph are available only for the Patriot Multimode Missile: Provided further, That not less than \$56,424,000 of the funds appropriated in this paragraph are available only for the Arrow Continuation Experiments (ACES): Provided further, That the Ballistic Missile Defense Organization (BMDO) shall continue its current strategy of flight testing, ground testing, simulations, and other Government analyses of the Patriot Multimode Missile and the Extended Range Interceptor for selection of the best technology in terms of cost, schedule, risk, and performance to meet PAC-3 missile requirements for theater missile defense and that the Director, BMDO, will determine when there is adequate information to proceed to selection for engineering and manufacturing development:*

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No specific language.

# ***ABM TREATY COMPLIANCE***

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SEC. 236. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC

MISSILE SYSTEMS OR COMPONENTS TO BE  
CARRIED OUT IN ACCORDANCE WITH TRADI-  
TIONAL INTERPRETATION OF ANTI-BALLIS-  
TIC MISSILE TREATY.

(a) LIMITATION.—Funds appropriated to the Depart-  
ment of Defense for fiscal year 1994, or otherwise made  
available to the Department of Defense from any funds ap-  
propriated for fiscal year 1994 or for any fiscal year before  
1994, may not be obligated or expended—

(1) for any development or testing of anti-ballis-  
tic missile systems or components except for develop-  
ment and testing consistent with the interpretation of

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SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MIS-

SILE DEFENSE SYSTEMS AND COMPONENTS  
FOR COMPLIANCE WITH ABM TREATY.

(a) FINDINGS.—Congress makes the following find-  
ings:

(1) That section 232(a)(1) of the Missile De-  
fense Act of 1991 (10 U.S.C. 2431 note) establishes  
a goal for the United States to comply with the  
ABM Treaty (including any protocol or amendment  
thereto) and not develop, test, or deploy any ballistic  
missile defense system, or component thereof, in vio-  
lation of that treaty (as modified by any protocol or

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*the 1972 ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or*

*(2) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the 1972 ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.*

*(b) EXCEPTION.—The limitation under subsection (a) shall not apply to funds transferred to or for the use of the*

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~~amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.~~

~~(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.~~

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*Ballistic Missile Defense Organization for fiscal year 1994 if the transfer is made in accordance with section 1001 of this Act.*

(c) DEFINITION.—In this section, the term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the 1972 ABM Treaty and accompanied by an enclosure setting forth such interpretation.

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(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

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(5) ~~That the ABM Treaty is not directed at, nor intended to limit, theater missile defenses that do not have the capability to counter strategic ballistic missiles, and are not tested in an antiballistic missile mode, as required by article VI of the ABM Treaty.~~

~~(6) That the United States and its allies face existing threats from theater ballistic missiles (such as the Chinese-made CSS-2) that are as capable as some missiles that were categorized as strategic missiles for purposes of the SALT I Interim Agreement of 1972.~~

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~~(b) REQUIRED COMPLIANCE REVIEW: (1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.~~

~~(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:~~

~~(A) The Patriot Multimode Missile.~~

~~(B) The Extended Range Interceptor (ERINT).~~

~~(C) The Ground-Based Radar for theater missile defenses (GBR-T).~~

~~(D) The Theater High Altitude Area Defense interceptor missile (THAAD).~~

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~~(E) The Brilliant Eyes space-based sensor sys-~~

~~tem.~~

~~(F) Upgrades to the AEGIS/SPY radar system  
of the Navy.~~

~~(G) Upgrades to the Standard Missile-2 (SM-  
2) interceptor of the Navy.~~

~~(c) REPORT REQUIRED. (1) For each system and  
system upgrade specified in paragraph (2) of subsection  
(b), the Secretary shall submit to the congressional de-  
fense committees a report on the results of the review re-  
quired by that subsection. A report may include the results~~

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of the reviews of more than one system and system up-grade.

(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota?

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~~(B) If not, can design changes or operational changes be made to the Brilliant Eyes space-based sensor that~~

~~(i) will result in the usability of the sensor in conjunction with the planned ground-based radar system and its ground-based interceptors being in compliance with the ABM Treaty; and~~  
~~(ii) will not prevent the system from performing its strategic defense missions with a high degree of effectiveness?~~

~~(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile de-~~

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fense systems and be in compliance with the ABM

~~Treaty?~~

~~(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?~~

~~(d) LIMITATIONS ON FUNDING: (1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade.~~

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quired by subsection (b) and has submitted to the congressional defense committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.

(2) Not more than \$50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.

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~~—(e) ABM TREATY COMPLIANCE OF THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.~~

~~(f) DEFINITION.—In this section, the term “ABM Treaty” has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).~~

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**SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MIS-  
SILE DEFENSE SYSTEMS AND COMPONENTS  
FOR COMPLIANCE WITH ABM TREATY.**

(a) FINDINGS.—Congress makes the following findings:

(1) That section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or

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amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

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(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

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(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.-USSR SALT I Interim Agreement of 1972.

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(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

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(8) That it is a national security priority of the United States to develop and deploy highly, effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as is technically possible.

(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

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(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.

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(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR-T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile-2 (SM-2) interceptor of the Navy.

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(c) REPORT REQUIRED.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the congressional defense committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade.

(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system

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and its ground-based interceptors at Grand Forks,  
North Dakota?

(B) If not, can design changes or operational  
changes be made to the Brilliant Eyes space-based  
sensor that—

(i) will result in the usability of the sensor  
in conjunction with the planned ground-based  
radar system and its ground-based interceptors  
being in compliance with the ABM Treaty; and

(ii) will not prevent the system from per-  
forming its strategic defense missions with a  
high degree of effectiveness?

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(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty?

(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?

(d) LIMITATIONS ON FUNDING.—(1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may

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be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade required by subsection (b) and has submitted to the congressional defense committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.

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(2) Not more than \$50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.

(e) ABM TREATY COMPLIANCE OF THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.

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(f) DEFINITION.—In this section, the term “ABM Treaty” has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

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## SECTION 236—DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS TO BE CARRIED OUT IN ACCORDANCE WITH TRADITIONAL INTERPRETATION OF ANTI-BALLISTIC MISSILE TREATY

This section would specify that funds provided to the Department of Defense for fiscal year 1994 and previous years for the development or testing of anti-ballistic missiles (ABM) systems or components may not be obligated or expended unless such development or testing is consistent with the interpretation of the 1972 ABM Treaty set forth in the enclosure to the letter sent to the Senate Foreign Relations Committee by the Arms Control and Disarmament Agency on July 13, 1993.

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## Ballistic missile defenses

The administration has directed a "bottom-up" review of ballistic missile defenses to determine the future scope, pace, and funding to be requested of the Congress for these activities. For fiscal year 1994, the administration requested \$3.8 billion, corresponding to the funding level appropriated for fiscal year 1993. As an interim policy, the Secretary of Defense has directed that theater missile defenses (TMD) should have highest priority, and that second priority be assigned to an ABM Treaty-compliant, limited defense system (LDS) to protect the American people from small accidental or unauthorized launches of currently-deployed ICBMs and from intentional launches by hostile Third World states. Consistent with the refocusing of the program on near-term deployments, the administration has changed the name of both the Strategic Defense Initiative (SDI) and its management agency, the Strategic Defense Initiative Defense Organization (SDIO), to, respectively, the Ballistic Missile Defense (BMD) program and the Ballistic Missile Defense Organization (BMDO). The committee recommends a provision (sec. 221)

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that would incorporate these nomenclature changes into the Missile Defense Act of 1991 (Public Law 102-190), as amended.

At present, the United States has no capability to intercept ballistic missiles launched at U.S. territory, and U.S. military forces have only a limited capability to engage shorter-range tactical ballistic missiles (TBMs) and cruise missiles using the Patriot system. Improvements are urgently required, and the committee endorses both the current competition between the multimode and the extended range interceptor (ERINT) missiles, and the scheduled February 1994 down-select to a single contractor, an important step to ensure early deployment of the improved Patriot PAC-3 intercept capability. The committee urges a prompt down-select decision, unless neither of the candidate systems has been able to meet all planned demonstration objectives, and provides latitude in section 222 to BMDO to retain both contractor teams until a decision is made.

The committee is also interested in technologies that show promise of providing a capability for boost-phase intercept of short-range TBMs and that might be deployable within this decade. The committee is aware of several candidates, including one proposed by the government of Israel. The committee urges the BMDO to give such concepts careful consideration, and if they decide to pursue any of the candidates, to provide appropriate funding.

The committee has been informed that the administration has determined that the "narrow" or "traditional" interpretation of the ABM Treaty is the legally correct interpretation and, therefore, that the ABM Treaty prohibits the development, testing, or deployment of sea-based, air-based, space-based, and mobile land-based ABM systems and components without regard to technology. The committee applauds this determination. However, testimony before the committee this year establishes that the administration has not yet had time to begin compliance reviews of any programs, although it is continuing to expend current-year funds and requesting fiscal year 1994 funds for a host of ballistic missile defense sys-

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tems and components the compliance of which with the ABM Treaty has not yet been determined. The committee is concerned about the continuing obligation of hundreds of millions of defense dollars for research and development activities on programs, systems, or components that may subsequently be found not to be testable or, worse yet, deployable under the terms of the ABM Treaty. Therefore, in section 223, the committee restricts the obligation of funds for a number of programs, projects, and activities until such time as compliance reviews have been conducted and the results reported to the congressional defense committees. Additional funding and programmatic guidance with regard to the brilliant eyes program is contained in a section on space-based early warning, missile tracking, and space surveillance elsewhere in this report.

The committee further notes that the Congress, both directly and through the Missile Defense Act, has continuously urged the administration to undertake negotiations aimed at both clarifying ambiguities in the Treaty language and agreeing upon such modifications to the Treaty as may be found mutually desirable in order to improve the effectiveness of both theater missile defenses and systems for defending against limited attacks by strategic weapons.

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The committee continues to believe that Russia should have at least as great an interest in improved missile defenses as does the United States. Accordingly, the committee urges the new administration to formulate the goals for the United States of such negotiations regarding the ABM Treaty and to establish a timetable for undertaking such negotiations in a timely fashion.

In the Missile Defense Act of 1991, the committee, acting on information and testimony provided by the SDIO, set as a "goal" the activation of the initial LDS site at Grand Forks, North Dakota, by 1996. Information and testimony provided after enactment of the Act made clear that the 1996 deployment date was unrealistic, and that initial activation of the site could not occur before the end of the decade, under current acquisition procedures and accepting only moderate concurrency and technical risk. The committee and the Congress reluctantly accepted this judgment in revisions to the Missile Defense Act enacted in the National Defense Authorization Act for Fiscal Year 1993, but expressed in the statement of managers accompanying the conference report (H. Rept. 102-966) the following sense of urgency:

The conferees direct the Secretary of Defense to develop the advanced TMD and initial ABM deployments consistent with sound acquisition procedures and in accordance with a low-to-moderate technical risk and low-to-moderate concurrency program. The conferees further direct the Secretary to structure this development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

The new administration's current guidance to BMDO is to accord first priority to advanced theater missile defenses, and second priority to the initial LDS site, but on a timetable of "... not sooner than 2004."

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The committee looks forward to receipt of the results of the administration's "bottom up" review as it pertains to both BMD programs and timetables for deployment.

Although the BMDO submitted the required plan for theater missile defenses in June 1993, this plan has already been overtaken by the bottom-up review and the funding reductions for BMD activities from the previous administration's plan. Accordingly, in section 224 the committee directs the Secretary of Defense to prepare and submit a new plan based on the results of that review and the development of a Future Years Defense Program. The committee has a number of substantive questions about the appropriate pace and direction of missile defenses in light of declining defense budgets. The committee also has a number of concerns about the limited progress which the BMDO has made in transitioning from the previous SDI-dominated technology development mentality to the more deployment-oriented mentality implied by both the Secretary's guidance, and that contained in the Missile Defense Act, as amended. The committee hopes that the results of the administration's review will provide answers to the following kinds of questions:

With regard to theater defenses--

It appears that theater systems now under development--Patriot PAC-3, theater high altitude area defense interceptor (THAAD), and Navy lower-tier--are adequate to defend, from no more than a few sites, U.S. expeditionary forces; the allied bases, ports, and infrastructure they will use to project U.S. power against the enemy; and the forces and populations of the host countries from whose territory we project that power. Given such capabilities, how urgent is the necessity to extend through more advanced upper-tier systems, the coverage of missile defenses to prospective allies and/or coalition partners outside the immediate theater of operations?

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If capabilities to defend against missile attack the population of prospective allies and coalition partners outside an immediate theater of operations are important, to what extent should the U.S. taxpayer fully or largely fund the development and deployment of those upper-tier capabilities?

To what extent should the U.S. taxpayer fund the development and deployment of such defenses for allied populations rather than develop and deploy defenses for American cities?

Given the proliferation of shorter range missiles and the gradual spread of longer-range theater missiles, to what extent should we expect allies and/or prospective coalition partners outside an immediate theater of operations to either have developed their own missile defenses, or have entered into cooperative agreements with us and other interested parties to develop and deploy such systems?

With regard to limited defenses for the continental United States—

In the absence of effective defenses against TBMs, an enormous proliferation of those weapons has taken place. The prospect that more effective defenses will be available before the end of the decade does not seem to deter this proliferation. Given this example, is there a preemptive or deterrent value to U.S. development and deployment of a Treaty-compliant LDS capability *before* a long-range, Third World ballistic missile threat to the United States has emerged?

What is the likely cost differential between an LDS deployment planned for a date certain, and a crash program to deploy LDS capabilities once a Third World threat has emerged?

It is known that Ukrainian technicians are seeking to wrest operational control of the ICBMs on their territory from the Russians. To what extent do such efforts increase the risk of an accidental or unauthorized missile launch toward U.S. territory?

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The Army's Strategic Defense Command believes a Treaty-compliant LDS can be deployed at least two years earlier than 2004, and at significantly less cost than BMDO estimates. Why, after an investment of more than \$30 billion in R&D since the establishment of the SDI program, does it still require 11 years to deploy one phased-array radar, a handful of interceptor missiles, and appropriate battle management and communications systems? From a standing start, we landed a manned spacecraft on the lunar surface in less time than that. Is "acquisition streamlining" an appropriate response?

BMDO estimates the cost of the LDS in 2004 at \$21.8 billion, plus another \$7.1 billion for "supporting costs for test infrastructure, data collection assets, and risk reduction efforts." This represents one-third of the basic acquisition costs of the LDS system. Is this a reasonable charge, or does BMDO have too large an infrastructure and support cost for the likely scale of future deployments?

The 2004 deployment date for the LDS assumed use of the brilliant eyes sensor system to extend LDS coverage over both East and West coast territory from a single site at Grand Forks. Given the determination that the "traditional" interpretation of the ABM Treaty is the legally correct one, this use of brilliant eyes may be precluded. If so, what will BMDO substitute in the LDS architecture? Ground-launched surveillance and tracking system (GSTS)? Or upgrades to ballistic missile early warning system (BMEWS) radars?

With regard to other follow-on technologies--

What effect does the recent determination by the administration regarding the ABM Treaty have on the programs within this line-item? What restrictions on development, if any, will there be on the brilliant pebbles program? The neutral particle-beam program? The space-based high-energy laser program? Other programs?

Should more of these programs be removed from the BMD program and refocused on other challenging defense missions (e.g., high energy lasers for shipboard defense against sea-skimming cruise missiles)?

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Why is BMDO continuing to fund programs such as rapidly reusable launch vehicles and Topaz space-based nuclear reactors when there is no current or foreseeable BMD deployment requiring either large-scale power sources in space or rapid-turnaround space-launch capability?

This is in no sense an exhaustive list, but rather is indicative of the need for the administration to provide the results of its BMD review and its programmatic recommendations as soon as possible.

The committee believes that the new Secretary of Defense should have the same flexibility provided last year to his predecessor to remove systems from the "other follow-on research" category; this is provided in section 226.

The committee believes that the "bottom-up" review of BMD programs should focus on the necessity to streamline the BMDO and the BMD acquisition system in order to reduce costs of deployed systems. Accordingly, in section 226, the committee directs the Secretary to undertake a wide-ranging review of ways in which the cost and deployment timetable for BMD systems can be reduced without relying on an unacceptable degree of risk or concurrency.

As discussed elsewhere in this report, the committee transfers \$252.6 million requested for the brilliant eyes program to a special account under the control of the Secretary of Defense. The committee expects the combination of the "bottom-up review," the authority to transfer follow-on programs to the services and ARPA, and the focus on acquisition streamlining to lead to a lower requirement for funds than the requested amount. The committee therefore recommends an undistributed reduction of \$300.0 million to the request. The Secretary may allocate funds appropriated pursuant to this authorization to the existing individual BMDO line items in accordance with the authority provided by section 227.

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## SEC. 234. COMPLIANCE OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS WITH ABM TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 232(a)(1) of the *Missile Defense Act of 1991* (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) The Department of Defense has conducted no formal compliance review of any of the components or systems scheduled for early deployment as part of either the *Theater Missile Defense Initiative* or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) The Department of Defense is continuing to obligate hundreds of millions of dollars for the development and testing of systems or components of ballistic missile defense systems before a determination has been made that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) The President requested the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iraq, Iran, and North Korea.

(6) Some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than the capabilities of missiles which were determined to be strategic missiles more than 20 years ago under the SALT I Interim Agreement of 1972 entered into between the United States and the Soviet Union.

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In section 234, the conferees require reports on the compliance of the current baseline configuration of several theater missile defense systems and components with the current interpretation of the ABM Treaty. The systems to be evaluated include the following:

- The Patriot multimode missile
- The extended range interceptor (ERINT)
- The theater ground-based radar
- The THAAD interceptor missile
- The Brilliant Eyes program

Planned upgrades to the AEGIS/SPY radar system and the SM-2 interceptor missile.

The conferees also agree to limit the obligation of funds for each of the programs listed above to not more than 50 percent of the fiscal year 1994 funds allocated for that program to ensure that the information on compliance is available prior to the start of consideration of the fiscal year 1995 defense request.

In sections 235 and 236, respectively, the conferees require the Administration to provide detailed "roadmaps" of its multi-year plans for development and deployment of robust theater missile defenses, and its multi-year development plans for a limited defense system. The conferees are concerned that, within the theater missile defense initiative, duplicative and overlapping programs exist, and more programs are being considered for development and deployment than prospective future funding levels can support. The conferees agree that the threat is here today and that current defense capabilities need to be augmented by improved fielded capabilities, deployable in adequate numbers. Too often, the Department has allowed pursuit of some "better" longer term alternative

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(7) *The ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.*

(8) *It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles as soon as is technically possible.*

(9) *It is essential that the Secretary of Defense immediately undertake and complete a review for compliance with the ABM Treaty of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.*

(b) **REQUIRED COMPLIANCE REVIEW.**—(1) *The Secretary of Defense shall review the current baseline configuration of each system or system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, or deployment of that system or system upgrade would be in compliance with the ABM Treaty, including the interpretation of the Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.*

(2) *The systems and system upgrades to be reviewed pursuant to paragraph (1) are the following:*

- (A) *The Patriot Multimode Missile.*
- (B) *The Extended Range Interceptor (ERINT).*
- (C) *The Ground-Based Radar for theater missile defenses (GBR-T).*

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*to delay the development and fielding of quite good—and badly needed—nearer term capabilities. The conferees believe strongly that the Department must make the hard choices necessary to select those programs which will provide the most cost-effective theater missile defense capabilities within realistic overall budget ceilings. The conferees also encourage the completion of those critical near-term experiments and tests that would confirm the effectiveness of particular technologies for theater missile defense application. The conferees intend to scrutinize the BMDO theater missile defense plan closely to ensure the rapid availability of improved missile defenses to U.S. expeditionary forces.*

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- (D) The Theater High Altitude Area Defense interceptor missile (THAAD).
- (E) The Brilliant Eyes space-based sensor system.
- (F) Upgrades to the AEGIS/SPY radar system of the Navy.
- (G) Upgrades to the Standard Missile-2 (SM-2) interceptor of the Navy.

(3) If during the course of the compliance review under paragraph (1) (or any other such compliance review of a ballistic missile system or system upgrade), an issue arises that appears to indicate that a provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles, the Secretary of Defense shall immediately submit to the appropriate congressional committees a report on that issue.

(c) REPORT.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the appropriate congressional committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade. For any system or system upgrade determined not to be in compliance with the ABM Treaty, the Secretary shall indicate (A) what changes to the ABM Treaty would be required for the system to be deemed compliant with such modified ABM Treaty, and (B) what changes to the performance capability of the system or system upgrade would be required in order for it to become compliant with the existing Treaty, together with the effect of those performance capability changes on the effectiveness of the planned missile defense architecture.

(2) With regard to the Brilliant Eyes space-based sensor system, the Secretary shall include in the report findings on each of the following issues:

- (A) Whether the current baseline configuration of the Brilliant Eyes space-based sensor system would comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota.

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(B) If not, whether design changes or operational changes can be made to the Brilliant Eyes space-based sensor system that—

(i) will result in the sensor system, when employed in conjunction with the planned ground-based radar system and its ground-based interceptors, being in compliance with the ABM Treaty; and

(ii) will not prevent the sensor system from performing its strategic defense missions with a high degree of effectiveness.

(C) If not, whether the Brilliant Eyes space-based sensor system can be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty.

(D) If so, the extent to which deployment of the Brilliant Eyes space-based sensor system would enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively.

(d) LIMITATIONS ON FUNDING PENDING SUBMISSION OF REPORT.—(1) Not more than 50 percent of the funds reported pursuant to section 231(e) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) may be obligated for that system or system upgrade, or any of its components, until the Secretary completes the compliance review of such system or system upgrade required by subsection (b) and submits to the appropriate congressional committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c).

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(2) Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(B) for the acquisition of any material or equipment (including long lead materials, components, piece parts, or test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(e) DEFINITIONS.—In this section:

(1) The term “July 13, 1993, ACDA letter” means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the ABM Treaty and accompanied by an enclosure setting forth such interpretation.

(2) The term “ABM Treaty” means the Treaty between the United States of America and the Union of Soviet Socialist Re-

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*publics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.*

(3) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 235. THEATER MISSILE DEFENSE MASTER PLAN.

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

(b) TMD MASTER PLAN.—The Secretary of Defense shall submit to Congress a report (which shall constitute the TMD master plan) containing a thorough and complete analysis of the future of theater missile defense programs. The report shall include the following:

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- (1) A description of the mission and scope of Theater Missile Defense.
  - (2) A description of the role of each of the Armed Forces in Theater Missile Defense.
  - (3) A description of how those roles interact and complement each other.
  - (4) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.
  - (5) A detailed acquisition strategy which includes an analysis and comparison of the projected acquisition and life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each system).
  - (6) Specification of the baseline production rate for each year of the program through completion of procurement.
  - (7) An estimate of the unit cost and capabilities of each system.
  - (8) A description of plans for theater and tactical missile defense doctrine, training, tactics, and force structure.
- (c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b)—
- (1) a description of the current and projected testing program for Theater Missile Defense systems and major components; and

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(2) an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Defense program will conform to all relevant arms control agreements. The report shall describe any potential noncompliance with any such agreement, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that agreement to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

(f) OBJECTIVES OF PLAN.—In preparing the master plan, the Secretary shall—

(1) seek to maximize the use of existing technologies (such as SM-2, AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

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(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

(g) REVIEW AND REPORT ON DEPLOYMENT OF BALLISTIC MISSILE DEFENSES.—(1) The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, testing, and deployment of theater ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency.

(2) In conducting the review, the Secretary shall obtain recommendations and advice from—

(A) the Defense Science Board;

(B) the faculty of the Industrial College of the Armed Forces; and

(C) federally funded research and development centers supporting the Office of the Secretary of Defense.

(3) Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on the Secretary's findings resulting from the review under paragraph (1), together with any recommendations of the Secretary for legislation. The Secretary shall submit the report in unclassified form, but may submit a classified version of the report if necessary to clarify any of the information in the findings or recommendations or any related information. The report may be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

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**SEC. 239. REPORT ON NATIONAL MISSILE DEFENSE COST.**

(a) *REPORT REQUIRED.*—The Secretary of Defense shall submit to Congress a report setting forth a full and thorough estimation of the cost of deploying a National Defense System at Grand Forks, North Dakota. The Secretary shall include in the report—

(1) the projected life-cycle costs of each system intended for production as part of such National Defense System, including a ground-based radar system, the system known as “Brilliant Eyes”, and a ground-based interceptor system; and

(2) with respect to each such system, a separate statement of those costs for (A) research, development,

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**SEC. 233. REQUIREMENT FOR REVIEW OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS FOR COMPLIANCE WITH ABM TREATY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) That section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic

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*test, and evaluation, (B) procurement, (C) deployment and launch activities, (D) operation and maintenance, and (E) personnel.*

*(b) SUBMISSION.—The report required under subsection (a) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).*

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missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) That the Department of Defense has conducted no formal compliance reviews of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) That the Department of Defense is continuing to obligate hundreds of millions of dollars during fiscal year 1993 for the development and testing of

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systems or components of ballistic missile defense systems prior to a determination that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) That the Department of Defense is requesting the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) That the ABM Treaty is not directed at, nor intended to limit, theater missile defenses that do not have the capability to counter strategic ballistic missiles, and are not tested in an antiballistic missile mode, as required by article VI of the ABM Treaty.

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(6) That the United States and its allies face existing threats from theater ballistic missiles (such as the Chinese-made CSS-2) that are as capable as some missiles that were categorized as strategic missiles for purposes of the SALT I Interim Agreement of 1972.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the program for each system and system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, and deployment of that system or system upgrade complies with the ABM Treaty.

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(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are as follows:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR-T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile-2 (SM-2) interceptor of the Navy.

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(c) REPORT REQUIRED.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the congressional defense committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade.

(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks,

North Dakota?

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(B) If not, can design changes or operational changes be made to the Brilliant Eyes space-based sensor that—

(i) will result in the usability of the sensor in conjunction with the planned ground-based radar system and its ground-based interceptors being in compliance with the ABM Treaty; and

(ii) will not prevent the system from performing its strategic defense missions with a high degree of effectiveness?

(C) If not, can the Brilliant Eyes space-based sensor be made, through design changes or operational changes, for use only with theater missile de-

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fense systems and be in compliance with the ABM Treaty?

(D) If so, to what extent would the Brilliant Eyes space-based sensor enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively?

(d) LIMITATIONS ON FUNDING.—(1) Not more than one-half of the funds reported pursuant to section 227(c) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) of this section may be obligated for that system or system upgrade, or any of its components, until the Secretary has completed the compliance review of such system or system upgrade re-

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quired by subsection (b) and has submitted to the congressional defense committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c). The preceding sentence does not apply with respect to the Brilliant Eyes space-based sensor system.

(2) Not more than \$50,000,000 may be obligated for the Brilliant Eyes space-based sensor until the Secretary has completed the compliance review of such system required by subsection (b) and has submitted to the congressional defense committees the report required under subsection (c) for that system.

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(e) ABM TREATY COMPLIANCE OF THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense has assured the Congress in the January 1993 Report to Congress on the Strategic Defense Initiative and in the June 1993 Report to Congress on the Theater Missile Defense Initiative that all programs, projects, and activities under both initiatives that are planned for execution in fiscal year 1994 fully comply with the ABM Treaty.

(f) DEFINITION.—In this section, the term “ABM Treaty” has the meaning given such term in section 239 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

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*Space based surveillance*

The budget request included a total of \$140.1 million in RDT&E funding for the Brilliant Eyes system for the Limited Defense System and \$112.5 million in Brilliant Eyes RDT&E funding for Theater Missile Defense. The committee recognizes the importance of preserving a global surveillance capability that provides national and theater defense systems and the National Command Authority with early warning of ballistic missile launches. Within the Ballistic Missile Defense (BMD) budget, the Brilliant Eyes program is the predominant effort in this area. Other programs relevant to this task include the Defense Support Program (DSP) and the Follow-on Early Warning System (FEWS). Although each program has several important applications, the committee believes that in the post-Cold War era one of the most important justifications is ballistic missile defense.

Given that the combined cost of these three programs is at least \$30 billion over the next eight years, the committee is convinced that the current defense budget environment will not sustain the development and deployment of all three systems. Therefore, the committee directs BMDO to transfer all Brilliant Eyes funds to a new defense agency budget line where the funds would be combined with those for DSP and FEWS, which would be transferred from the Air Force. The committee recommends a reduction of \$200 million in the total of the requests for the three programs for fiscal year 1994. The committee believes that the department must soon choose no more than two of these programs to be continued in order to avoid both unnecessary program duplication and program overcommitments in the outyears.

Furthermore, the committee is concerned over the abilities of Brilliant Eyes, DSP, and FEWS to detect and track the wide variety of theater missiles, which by their very nature are more difficult to detect than intercontinental missiles. The committee believes that these abilities are very important to U.S. security interests and directs the Secretary of Defense to report on the adequacy of FEWS, upgraded DSP, and Brilliant Eyes to detect and track such missiles and make appropriate recommendations in an annex to the Unified Intelligence Strategy.

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The committee notes that it may be possible to launch the follow-on early warning system (FEWS) on a medium launch vehicle. With major re-designs under consideration in the bottom-up review, it may also be possible in the future to launch the Milstar system on a medium launch vehicle. If so, only classified systems would need Titan IV. Unit costs, however, would rise as procurement rates decline still further.

*Space-based early warning, missile tracking, and space surveillance*  
OVERVIEW

The statement of managers accompanying the National Defense Authorization Act for Fiscal Year 1991 (H. Rept 101-923) required the Department of Defense to conduct tradeoff studies of the defense support program (DSP), the follow-on early warning system (FEWS), and the brilliant eyes (BE) program. Congress mandated these studies out of concern that requirements for early warning and missile defense, and the programs to meet these requirements, were not being coordinated and integrated and that costs would therefore be excessive. The DOD report on these studies, only recently submitted to Congress, has not alleviated these concerns, and the issue of affordability has become acute.

The FEWS and BE programs are estimated to cost over \$15 billion and billions more will be required to maintain the DSP constellation until FEWS becomes fully operational. A large fraction of these costs must be borne in the upcoming Future Years Defense Program.

The committee believes that the DOD budget cannot sustain these efforts as currently planned. The committee believes that DOD must find ways to reduce substantially the cost of these programs, or to eliminate one or both and substitute less capable but less costly alternatives, as discussed below. The committee also believes that centralized management of these efforts is necessary both to achieve integration and capabilities across various systems, and to avoid duplication and excessive program costs. Accordingly, as discussed elsewhere in this report, the committee directs that the brilliant eyes program be removed from the purview of the Ballistic Missile Defense Organization.

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The committee is aware of and is following with keen interest the on-going DOD study of the nation's tactical warning/attack assessment capabilities and programmatic options. The committee strongly encourages the department to ensure that this study is complete and thorough, as it has the potential to profoundly affect the Nation's TW/AA architecture for decades to come. The committee is cognizant of many of the TW/AA programmatic options under review by the department. At the same time, the committee also has been briefed on several promising concepts designed to augment the nation's ability to collect intelligence on, and provide accurate early warning of, missile launches. Some of these concepts involve exploiting emerging technology that has been developed by other Departmental entities, such as the National Reconnaissance Organization. The committee directs the Secretary of Defense to ensure that these and other, potentially promising concepts are considered as part of the department's on-going review.

The committee also wishes to ensure that the results of the department's TW/AA review are communicated to the Congress in a timely fashion. Therefore, the committee directs that the Secretary of Defense submit a report to the congressional defense committees on: (1) the various programmatic and architectural options considered as part of the department's review, including options and architectures based at least in part on technology developed by the NRO or other governmental entities; (2) the fiscal year 1994, fiscal years 1995-2000 Future Years Defense Plan, and total program costs associated with each of the options, including any cost savings as compared to program plan currently before Congress; (3) the capabilities of each of the options to meet existing TW/AA requirements, as established by the Commander in Chief, United States Space Command and validated by the Joint Requirements Oversight Council; and (4) the department's recommended option and architecture and a detailed rationale for having chosen that option and architecture. The report shall be submitted not later than September 15, 1993, and shall be provided in classified and unclassified forms.

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## STRATEGIC RATIONALE FOR FEWS

Key attributes of FEWS are the capabilities to rapidly detect and characterize even dim, short-burn targets; accurately determine launch locations and impact zones; and process a large number of targets for mass raid counts.

Strategic early warning and attack assessment capabilities provided by DSP proved to be satisfactory throughout the Cold War. The reduction in the strategic threat raises a fundamental question of the need for modernization in this area. Furthermore, BE in conjunction with DSP could provide reliable detection, characterization, and tracking of strategic threats, except for mass raids, which could overwhelm a small BE constellation. This scenario is both unlikely and uninteresting since an ABM Treaty-compliant limited defense system cannot cope with large attacks anyway. FEWS alone also could not cue missile defenses or be used to target ABM interceptors against strategic missiles.

For the strategic warning and defense missions, DSP with the addition of a small BE constellation might be adequate for the foreseeable future.

## RATIONALE FOR FEWS FOR THEATER MISSILE WARNING AND DEFENSE AND TECHNICAL INTELLIGENCE

DSP is considered to be inadequate for reliable warning and defense against theater ballistic missiles. DSP may not always detect short-range missiles and may not always be able to cue ground-based radars to extend the range of ground-based defenses. FEWS, if successfully developed, would overcome these limitations.

However, BE and other technologies might be able to compensate for DSP shortcomings. BE provides geographically limited warning of missile launches. If cued to a "hot spot" area such as the Middle East, however, BE would provide detection as well as launch location and tracking. Such "hot spot" coverage surely would be provided whenever and wherever U.S. forces were deployed. The additional capabilities that FEWS would provide over DSP would not be needed for this mission.

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For missile attacks between countries to which no U.S. forces were deployed, DSP plus BE might miss the first launch of short-range missiles, assuming there was no other type of warning. After the first "bolt-from-the-blue" launch of a dim, short-burn missile, however, BE hot spot coverage could be established, which would provide full coverage against any subsequent launches. In this scenario, the only contribution FEWS would make would be to detect the first launch of tactical missiles that do not pose a threat to U.S. forces. How much is this capability worth?

Furthermore, technology already developed or in development for the Cobra Ball technical intelligence system could provide the basis for a deployable airborne capability to detect, characterize, and cue ground based radars within a theater of operations against short- and long-range theater ballistic missiles. This technology also would provide very precise launch locations for attacking enemy launch vehicles. Such a system would likely be far cheaper than FEWS and could also obviate the need for brilliant eyes for theater missile warning and defense.

Finally, for technical intelligence and for "gap filler" warning coverage, new technology could provide capable sensors at reasonable cost for deployment on host satellites or small satellites. Such sensors, together with DSP, and BE or a Cobra Ball derivative, could accomplish theater warning, missile defense, and technical intelligence missions. This course also could prove to be cheaper than the cost of the FEWS program.

TECHNOLOGY OBSCOLESCENCE

Recent tests and analyses of multispectral technology also raise the possibility that FEWS sensor technology can be superseded, with better performance at reduced power, weight, and cost. The Department of Defense, however, has barely begun to assess the potential of this technology.

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FEWS TRANSITION COSTS

The cost to transition from DSP to FEWS is very high. While FEWS has the potential to have annual satellite and operations costs that are lower than DSP, the defense budget may not be able to support the up-front investment required to acquire and transition to FEWS.

Transition costs are high in part because the FEWS constellation is designed in a way that precludes replacing DSP satellites with FEWS satellites on a one-for-one basis. This means that two sets of satellites must be maintained for a considerable period. Alternative constellations might be feasible which could reduce transition costs and perhaps even the size of the FEWS constellation. Transition costs could be reduced by replacing DSP satellites on a one-for-one basis, which would reduce the transition time and the required number of DSP satellites. The FEWS schedule also could be accelerated, perhaps at little cost and risk. The drawbacks of alternative constellation plans include the possible requirement for a polar adjunct, which would increase complexity; the risk of gaps in coverage during the transition; and the possibility that the final constellation would be less capable than that currently planned. The tradeoffs between the cost savings of alternative constellations and their drawbacks have not been examined.

Transition costs are also high in part because the FEWS system is being designed around a new ground infrastructure for controlling the satellites and processing the data they collect. This design requires operating the DSP infrastructure during the lengthy period of the FEWS deployment. Recent technology advances in programs designed to improve DSP utility for theater missile warning and defense offer the potential to solve this problem. The possibility now exists that a single processing center could combine data from DSP, FEWS, and other sensors, thereby eliminating the need for redundancy. Whether this technology is mature enough to provide the basis for planning the FEWS transition, however, has not been determined.

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FEWS costs could also be reduced by mandating that the satellites be designed for launch on medium-lift rather than heavy-lift launch vehicles. This measure could reduce life-cycle costs by billions of dollars. The penalty would be that the demonstration/validation phase would likely have to be extended, which in turn could affect the decision on procuring DSP satellites 23-25.

## BRIGHT EYES

There are also reasons to doubt the need for substantial near-term investment in the brilliant eyes system in light of current and projected budget problems.

As noted elsewhere in this report, BE has not been subjected to an ABM Treaty compliance review. Mid-course ballistic missile defense requirements are not yet very well defined, in part because designs of the weapons themselves are not very well settled. Also, the main rationale for BE was to track and distinguish MIRVed re-entry vehicles from multiple decoys, which is not a high priority now. BE would not be available in time for initial deployment of a theater missile defense system. BE also might not be available in time for an initial limited defense system, assuming acceleration in deployment is possible through acquisition streamlining.

If the FEWS system were to be deployed, BE would not be needed to cue ground-based radars against shorter-range theater ballistic missiles and perhaps even long-range missiles lacking a post-boost maneuver capability. Cobra Ball technology, discussed previously, could provide additional capabilities against longer-range theater missiles.

It is not yet known whether longer-range and more sophisticated missiles, for which FEWS could not provide adequate radar cueing, will materialize in numbers of consequence. Even if they are proliferated, it is not clear that they would constitute a threat to deployed U.S. forces. It is likely that such missiles would be used as terror weapons against other countries' populations. Should the U.S. taxpayer assume the burden of defending populations in other countries more effectively than our own people?

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These uncertainties provide arguments in favor of acquiring FEWS for warning and theater missile defense and the ground-based surveillance and tracking system (GSTS) for limited national missile defense, and of slowing down or terminating the BE program. The risk in this course would be that threats could develop that FEWS and other adjuncts could not address, and/or that the United States would decide to deploy more robust strategic missile defenses in which GSTS would not be cost-effective. With limited investment funds available, if FEWS and other adjuncts were developed and deployed as planned, BE could be unaffordable.

The design of the BE system and constellation planning, which together drive life-cycle cost estimates, do not appear to take into account the planned existence of FEWS. If FEWS is deployed, for example, the need for medium-wave infrared surveillance sensors on BE is questionable. The need for 20-to-40 BE satellites is also questionable assuming FEWS provides improved cueing.

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DOD spends hundreds of millions of dollars a year in research and development and operation and maintenance to sustain a worldwide network for detecting, identifying, and tracking space objects. The possibility exists that brilliant eyes, if developed and deployed, could perform all or a large part of this mission along with its intended missile surveillance and tracking mission. The Air Force and U.S. Space Command have conducted only preliminary assessments of this potential BE capability. The so-called MSX experiment planned by the Ballistic Missile Defense program should provide enough information to determine feasibility. The committee believes that DOD should include this potential BE capability in its review of warning and defense programs and assess whether cost savings could be achieved by substituting BE for the existing ground-based network. This would strengthen the case for proceeding with BE, assuming it is found to be compliant with the ABM Treaty.

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The committee believes that the combination of FEWS, BE, and a risk-free transition from DSP to FEWS is not affordable. The committee believes that a case can be made for any of several courses of action: terminating FEWS; slowing down or terminating BE; or halting the procurement of more DSP satellites and infrastructure upgrades and integrating the FEWS and DSP ground infrastructures. If a way is to be found to proceed with both FEWS and BE, offsets from replacing all or parts of the space surveillance network and elimination of BE-FEWS capabilities overlap must be pursued. In addition, the committee believes that options for airborne platforms and other classified technologies must be considered as part of a comprehensive, but less costly, solution to missile warning and defense requirements.

Neither DOD nor the Congress has enough information to make specific decisions at this time on these programs. Continuing to fully fund all these activities while awaiting more definitive answers, however, is unaffordable and unproductive. Accordingly, the committee recommends eliminating the line items for DSP, FEWS, BE, and Cobra Ball upgrades; transferring the BE program to the Air Force (as described in another section of this report); and creating a new line item entitled "missile warning and surveillance" with a funding level of \$691.9 million—a net reduction of \$360.0 million from the request. The committee directs the Secretary of Defense to conduct a comprehensive examination of all the issues raised in this report and to present a report and plan to the congressional defense and intelligence committees. The Secretary may prepare and submit the report at his convenience, but he may not obligate more than 50 percent of the authorized and appropriated funds until 30 days after its submission.

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## DEFENSE SUPPORT PROGRAM

Viewed in the context of the multiplicity of options discussed above, DOD must examine anew whether it is necessary to procure three more DSP satellites to ensure the availability of adequate warning capabilities during a transition to FEWS. The committee appreciates the need for caution and care in this matter because of the continuing importance of the missile warning mission. The difficulty is that FEWS may not be affordable in light of the high cost of transition, and a major element of this transition cost is the expense of the new DSP multi-year procurement. Moreover, to save significant funds, DOD would have to terminate this DSP procurement very soon, leaving little time for further analysis.

The committee has similar concerns about planned upgrades of the DSP ground infrastructure. Annual expenditures in excess of \$100 million are planned throughout the Future Years Defense Program to improve DSP system performance and to keep the system up to date. Under current plans, however, this investment is of no benefit to the FEWS program. The committee believes that this is another area where DOD should seek savings either by halting upgrades to existing systems and capabilities until FEWS is deployed, or by better integrating the DSP and FEWS programs to ensure that FEWS can utilize additional DSP investments.

## COBRA BALL

At least one part of the Air Force is interested in examining the potential of adapting a portion of the Cobra Ball technical intelligence collection technology to provide the basis for acquiring an operational airborne theater missile warning and defense capability. Attractive features of this concept are that a capability could be developed in the near term and costs could be modest compared to life-cycle costs of global satellite systems. The value of Cobra Ball for technical intelligence collection in the future is in doubt, however, and it is open to question whether substantial investment in Cobra Ball and derivatives thereof is justified if FEWS and BE are going to be deployed. This is another example of DOD pursuing programs that appear to be redundant and uncoordinated.

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# CLASSIFIED PROGRAMS

It is clear to the committee that the national foreign intelligence program (NFIP) and the Department of Defense have done a poor job of coordinating ongoing programs and technology development relevant to the problems of missile surveillance and technical intelligence. The NFIP is not taking DOD needs into account in system planning and deployment decisions. DOD, in turn, has not fully made its needs known within the NFIP. NFIP-developed technology that could have a significant impact on FEWS design and constellation planning has not yet been evaluated or taken into account by DOD. These problems must be corrected.

NFIP-developed technology potentially could provide the same or better capabilities now envisioned for the FEWS system, but at reduced size, weight, and cost. This and other NFIP technology also could provide a polar adjunct for FEWS, which could permit a reduction in constellation size and a more rapid transition from DSP. It could also provide the basis for a geosynchronous "gap filler" capability as insurance if the last multiyear procurement of DSP were cancelled.

What has not been adequately addressed is whether this technology is mature enough to utilize in a restructured FEWS program and whether this could be accomplished in time to forgo the procurement of additional DSP satellites.

Additional discussion of these issues is contained in the classified annex to this report.

## SUMMARY AND COMMITTEE DIRECTION

The Defense Department's answer to the tradeoff studies required by Congress has been that FEWS and BE are both "essential." BE planning, however, does not appear to assume the existence of FEWS. DOD also insists on procuring enough DSP satellites to ensure a risk-free transition from DSP to FEWS, and on upgrading DSP until FEWS begins deployment. DOD also desires to develop an entirely new ground control and processing capability for FEWS while investing at the same time in multiple systems for exploiting DSP tactically. DOD has failed to examine potential offsets, such as the space surveillance network, that could defray the cost of BE, and has not reviewed the BE program to ensure compliance with the ABM Treaty. Coordination and cooperation between the NFIP and DOD have been poor.

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SEC. 159. SPACE-BASED MISSILE WARNING AND SURVEILLANCE PROGRAMS.

(a) AMOUNT FOR PROGRAMS.—Of the amounts authorized to be appropriated by section 104, not to exceed \$801,900,000 shall be available for space-based missile warning and surveillance programs.

(b) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, during fiscal year 1994 funds may be transferred from the amount available for space-based missile warning and surveillance programs pursuant to subsection (a) to programs specified in subsection (c) as follows:

- (1) Before March 1, 1994, up to \$250,000,000.
- (2) On or after March 1, 1994, any unobligated amount remaining for space-based missile warning and surveillance programs pursuant to subsection (a).
- (c) PROGRAMS TO WHICH TRANSFERRED.—A transfer under subsection (b) may be made to any of the following programs:
  - (1) The Follow-on Early Warning System.
  - (2) The Defense Support Program.
  - (3) The Brilliant Eyes Program.
  - (4) The Cobra Ball Upgrade Program.

(d) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (b) is in addition to the authority provided in section 1101.

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Space-based missile warning and tracking (sec. 159)

The budget request included \$66.8 million for RDT&E for the defense support program (DSP), \$214.8 for the follow-on early warning system (FEWS), \$252.6 for the Brilliant Eyes (BE), and \$10.0 million for the Cobra Ball missile warning and surveillance systems.

The House bill would combine the requests for DSP, FEWS, and BE into a single line within the Defense Agencies account and reduce the aggregate by \$200.0 million.

The Senate amendment would combine the requests for all the RDT&E programs with the requests for DSP procurement, which totaled \$497.7 million, in a single line within the Air Force missile procurement account.

The House and Senate reports (H. Rept. 103-200 and S. Rept. 103-112) advised the Department of Defense that its plans for the various missile warning and surveillance programs were not affordable. The reports noted that the new Administration had undertaken a major review of these programs and expected the Administration to inform the Congress prior to conference on the results of its review and its recommendations. Unfortunately, the Administration has not met these expectations.

Accordingly, the conferees have decided to preserve options for the Secretary of Defense and Congress as much as possible while enforcing budget discipline. The conferees believe that \$240.0 million can be reduced from the combined procurement and RDT&E request for these programs without compromising acceptable Administration decisions.

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(d) LIMITATIONS.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(2) With regard to the Brilliant Eyes space-based sensor system, the Secretary shall include in the report findings on each of the following issues:

(A) Whether the current baseline configuration of the Brilliant Eyes space-based sensor system would comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota.

(B) If not, whether design changes or operational changes can be made to the Brilliant Eyes space-based sensor system that—

(i) will result in the sensor system, when employed in conjunction with the planned ground-based radar system and its ground-based interceptors, being in compliance with the ABM Treaty; and

(ii) will not prevent the sensor system from performing its strategic defense missions with a high degree of effectiveness.

(C) If not, whether the Brilliant Eyes space-based sensor system can be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty.

(D) If so, the extent to which deployment of the Brilliant Eyes space-based sensor system would enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively.

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The conferees, therefore, agree to authorize \$801.9 million in Defense Agencies procurement. The conferees agree to a provision that would allow the Secretary of Defense to allocate these funds to specific programs for warning and attack assessment. Under this provision, any transfers from this account shall be in addition to the transfer limits established elsewhere in this act. In addition, the provision would permit the Secretary to transfer up to \$250.0 million without submitting a prior-approval reprogramming request in order to maintain program continuity prior to final decisions by the Secretary and Congress. The conferees believe that this transfer authority and amount will sustain ongoing efforts for up to five months into fiscal year 1994. Any additional transfers shall be in accordance with established transfer procedures. The Secretary shall inform the congressional defense committees of the detailed results of his deliberations and his recommended allocations. The conferees intend that the congressional defense committees have the opportunity to review the Secretary's decisions and recommendations carefully before irrevocable decisions are made and implemented. It is also the intent of the conferees that none of the ongoing programs be terminated until 30 days after the Secretary of Defense formally notifies Congress of any termination decision and provides the rationale for the decision.

The conferees note that the Department has invested over \$2.0 billion to date in the FEWS program out of concern over capability shortfalls of DSP. This investment has produced much useful technology that should form the basis for any DSP follow-on effort, be it FEWS or another system.

None of the funds appropriated for use by the Ballistic Missile Defense Organization may be made available to the Brilliant Eyes program;

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## SPACE AND RELATED PROGRAMS

### INTRODUCTION

In fiscal year 1992, the Department of Defense and the intelligence community spent \$15 billion for space programs. Even with the projected decline in overall national security spending, it is doubtful that space programs will decrease below that amount for the foreseeable future. The Committee, however, has become increasingly concerned that the basic processes which govern military and intelligence space programs have become ineffective. While the individual programs are, in most instances, well designed and managed, there is inadequate coordination between programs, poor definition of greatly changed requirements, insufficient responsiveness to the users of space systems, inattention to potential cost savings in a fiscally constrained environment, and a lack of clearly defined responsibilities for space programs at the senior levels in the Pentagon.

Management fragmentation was evident at the Committee's hearing on Department of Defense space programs. DOD sent witnesses with written statements from eight different organizations, including four witnesses who also made oral statements. Despite the large numerical attendance at the hearing, none of these senior Defense officials had a charter to speak for DOD as a whole. None had responsibility for ensuring that military or intelligence community launch operations, payload design or ground station management were optimally integrated and financed at the least possible cost for the maximum possible benefit.

The Committee is certainly not the first organization to discover these flaws. A partial list of recent major government studies which were critical of the management of space programs includes the following:

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*Defense support program [DSP].*—On June 11, 1993, the Air Force awarded a multiyear contract for the procurement of DSP satellites numbers 23, 24, and 25. The budget request includes \$265,734,000 in procurement and \$193,409,000 in advance procurement for the fiscal year 1994 requirements of the multiyear contract. The Committee recommends providing \$256,269,000 in procurement and \$202,874,000 in advance procurement, a shift of \$9,465,000 between these two accounts.

The Committee notes the Senate Armed Services Committee's concerns that the Air Force's future year defense plan [FYDP] cannot sustain the continued procurement of DSP satellites and at the same time fund a robust research and development effort for the follow-on early warning and missile defense [FEWS] and the Brilliant Eyes [BE] Program. The Committee further understands that the DOD "Bottom-Up Review" has addressed space-based early warning and missile tracking and the necessity to procure additional DSP satellites beyond satellite number 22. Until the Department responds to the Committee's request and makes available the detailed results of the "Bottom-Up Review", the Committee feels it premature to make major adjustments to the DSP multiyear program.

The Committee, however, does recommend moving \$9,465,000 from the DSP procurement line to the advance procurement line to properly align funding requirements. The Air Force has informed the Committee that an error was made during the budget preparation and this adjustment is necessary for the proper execution of the DSP multiyear contract.

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*A Post Cold War Assessment of U.S. Space Policy* (the Wilkening Report)  
*The Future of U.S. Space Launch Capability* (the Aldridge Report)  
*The Future of the U.S. Space Industrial Base* (the Fink Report)  
*The Blue Ribbon Review of the Air Force in Space in the 21st Century* (the Moorman Report)  
*Final draft of the Roles, Missions, and Functions of the Armed Forces of the United States* (the Powell Report).

Taken collectively, the clearly recurrent theme of these reports indicates that while U.S. space policy and program management is not broken, it is in need of major repair. Consequently, the Committee believes that immediate steps must be taken to begin this needed overhaul and provides the following conclusions and direction to the Department of Defense and the intelligence community.

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## SPACE-BASED SURVEILLANCE

The Committee commends the thorough review of space-based sensor programs that the DOD is conducting as part of the fiscal year 1995 budget review process. However, since the review will not conclude prior to completion of the Committee's review of the fiscal year 1994 budget, and since any decision the Secretary makes will likely result in a reduction in the fiscal year 1994 funding requirement, the Committee has included a general reduction of \$200,000,000 entitled "Space Surveillance" in Research, Development, Test, and Evaluation, Defensewide. It is the Committee's intent that this savings will result from restructuring of the Defense Support Program, Follow-On Early Warning System, and Brilliant Eyes programs.

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*Spacetrack*.—The Committee approves \$57,021,000, an amount \$11,775,000 above the budget request and an equal amount above the House allowance. The Committee provides an increase of \$14,100,000 and directs that these funds shall be made available only to continue the telescope and facilities upgrade known as the advanced electro-optical system [AEOS] at the Air Force Maui optical site [AMOS]. The Committee deletes \$2,325,000 sought for the space surveillance system development [SSSD] project to determine the utility of Brilliant Eyes satellites to replace ground-based space surveillance capabilities. In the "Defensewide RDT&E" account, the Committee recommends no funds for the Brilliant Eyes development program.

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*Follow-on early warning system [FEWS]*.—The Committee has recommended full funding for FEWS development in fiscal year 1994. Additional guidance about FEWS is included in the Committee's discussion of the Brilliant Eyes Program under the Ballistic Missile Defense Organization programs in the defensewide RDT&E report section.

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In order to align the funds in accordance with the review results, the committee directs the Secretary of Defense to provide a full and complete disclosure of the review results and his recommendation prior to the conference committee. The Committee further directs DOD to obligate no fiscal year 1994 funds until the Congress appropriates funding for each specific system. This will preclude DOD expenditures in fiscal year 1994 from being inconsistent with the Secretary's review results and Congressional decisions for future sensor programs.

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## SPACE LAUNCH VEHICLES

As discussed elsewhere in this report under Space and Related Programs, the Committee has provided \$50,000,000 to the Advanced Research Projects Agency for development of new space launch technologies.

Of the total amount provided, at least \$40,000,000 must be allocated for a long-term effort to produce an unmanned single-stage-to-orbit prototype launch vehicle. These funds may only be used for a competitive effort. Moreover, since ARPA has repeatedly demonstrated its ability to manage innovative technology programs, the Committee, therefore, also directs that any contracts awarded with these funds must be managed by ARPA itself and not by another federal organization on a reimbursable basis.

The remaining \$10,000,000 shall be used for additional research on such launch technologies as hybrid rocket motors and parafoils.

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Finally, the Committee eliminates \$140,074,000 proposed for development of Brilliant Eyes [BE]. The Senate voted to prohibit obligation of BMDO funds for development of BE.

The Committee recommendation expands on the Senate's action, specifically denying funds for development of Brilliant Eyes. When compared with the follow-on early warning system [FEWS], Brilliant Eyes provides only a marginal increase in the capability of theater missile defense systems against the threats DOD expects our forces to face well into the next century. The Committee finds it difficult to imagine this Nation giving up its continuous global ballistic missile early warning capability. FEWS is the military user's top priority and is expected to provide a significant improvement in capability over the current Defense Support Program [DSP]. As a result of the Committee's review of these programs, the Committee has fully funded development of FEWS under the Air Force "Research, development, test, and evaluation" account. Should DOD decide to redirect or terminate the follow-on early warning system, the Committee directs that no more than \$36,926,000 in Air Force funds may be made available only for BE component technology activities in the laboratory. The Committee further directs that, prior to obligation of any Air Force funds for the Brilliant Eyes activities, the Air Force is required to consult with, and notify, the Committee.

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Third, the Committee eliminates \$112,518,000 sought for development of Brilliant Eyes under the theater missile defense program element. The Senate prohibited obligation of BMDO funds for development of Brilliant Eyes. The Committee's action is described further in the preceding discussion on the Limited Defense System Program element.

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The Committee deletes \$2,707,000 sought for the power and power conditioning project. The requested funds support development of electrical power generation and conditioning concepts for systems such as Brilliant Eyes, Brilliant Pebbles, and the ground-based interceptor. The Pentagon decision to defer national missile defense system development and deployment make these efforts lower priority.

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*Stellar sensor/inertial system.*—The Committee directs that the Ballistic Missile Defense Organization [BMDO] may not obligate any funds for the Stellar sensor/inertial system (phase 2).

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## SPACE SURVEILLANCE PROGRAMS

The fiscal year 1994 budget requested a total of \$1,128,877,000 for space-based, early warning, infrared satellites. The disposition of items in conference is as follows:

(in thousands of dollars)

	Request	House	Senate	Conference
<b>DSP</b>				
MedProc, AF	459,143	459,143	459,143	359,760
ChProc, AF	38,563	28,463	12,177	28,463
ROTE, AF	66,777	66,777	51,577	51,577
MLProc, AF	36,000	36,000	36,000	36,000
OAM, AF	61,000	61,000	61,000	61,000
<b>Subtotal</b>	<b>661,483</b>	<b>651,383</b>	<b>619,897</b>	<b>536,800</b>
<b>FEWS</b>				
ROTE, AF	214,794	214,794	214,794	110,000
Brilliant Eyes				
ROTE, DW	252,600	252,600	0	0
ROTE, AF	0	0	0	0
General Reduction ROTE, DW	0	-200,000	0	140,000
<b>Total</b>	<b>1,128,877</b>	<b>918,777</b>	<b>834,691</b>	<b>786,800</b>

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*Defense Support Program (DSP).* The conferees believe that there is no requirement for DSP 25 and have therefore provided no funds. The \$536,800,000 being provided is sufficient to continue funding in fiscal year 1994 for the multi-year contract for DSP satellites 23 and 24.

*FEWS.* The conferees agree that there is a requirement to replace the DSP system. In addition, the conferees believe that to terminate FEWS, competitively select new contractors, and start a new development effort would introduce unacceptable financial and schedule risk. Consequently, the conferees agree to continue the FEWS program, but at a reduced funding level.

*Brilliant Eyes.* The conferees agree to continue funding this program, but at a reduced level. The conferees also agree that the program management and funding responsibility should be transferred to the Air Force.

*Reprogramming Authority.* The conferees agree that the Secretary of Defense may realign funding into or out of the above programs only with the prior approval of the House and Senate Committees on Appropriations.

# **LIMITED DEFENSE SYSTEM**

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**SEC. 239. REPORT ON NATIONAL MISSILE DEFENSE COST.**

(a) *REPORT REQUIRED.*—The Secretary of Defense shall submit to Congress a report setting forth a full and thorough estimation of the cost of deploying a National Defense System at Grand Forks, North Dakota. The Secretary shall include in the report—

(1) the projected life-cycle costs of each system intended for production as part of such National Defense System, including a ground-based radar system, the system known as "Brilliant Eyes", and a ground-based interceptor system; and

(2) with respect to each such system, a separate statement of those costs for (A) research, development, test, and evaluation, (B) procurement, (C) deploy-

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(2) With regard to the Brilliant Eyes space-based sensor, the Secretary shall include in the report findings on each of the following issues:

(A) Would the current baseline configuration of the Brilliant Eyes space-based sensor comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota?

(B) If not, can design changes or operational changes be made to the Brilliant Eyes space-based sensor that—

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*ment and launch activities, (D) operation and maintenance, and (E) personnel.*

*(b) SUBMISSION.—The report required under subsection (a) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).*

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(i) will result in the usability of the sensor in conjunction with the planned ground-based radar system and its ground-based interceptors being in compliance with the ABM Treaty; and

(ii) will not prevent the system from performing its strategic defense missions with a high degree of effectiveness?

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**SEC. 226. REPORT ON ACQUISITION STREAMLINING TO AC-**

**CELERATE DEPLOYMENT OF INITIAL ABM**

**SYSTEM.**

**(a) FINDINGS.**—The Congress makes the following findings:

(1) The Missile Defense Act of 1991 (10 U.S.C. 2431 note) calls for the deployment of an ABM Treaty-compliant anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks by ballistic missiles.

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(2) That Act directed the Secretary of Defense to structure a development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

(3) Since 1983, in excess of \$30,000,000,000 has been provided for research and development of ballistic missile defense capabilities.

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(4) Notwithstanding this huge expenditure of funds on missile defense technologies, the Secretary of Defense has proposed deployment of such a system no sooner than 2004.

(5) It is incredible that the initial deployment of a limited defense capability requires another 11 years to accomplish within the congressionally mandated guidance.

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(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, deployment, and testing of ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency. In conducting the review, the Secretary shall obtain recommendations and advice from the Defense Science Board, the faculty of the Industrial College of the Armed Forces, and federally funded research and development centers supporting the Office of the Secretary of Defense.

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(c) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings resulting from the review together with his recommendations for legisla-

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tion, if any. The Secretary shall submit the report in unclassified form, but may also submit a classified version of the report if he considers it necessary to classify any of the information in his findings or recommendations or any related information. 1/1/97

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FLOOR AMENDMENTS  
(PRIOR AMENDMENT)

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SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PRO-

GRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

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(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

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The committee believes that the nature of the long range ballistic missile threat to the United States today and in the years immediately ahead is best addressed through steps to assist in the dismantling of the long range weaponry of the states of the former Soviet Union, the secure control over the remaining weaponry, the enhancement of multilateral steps to counter the proliferation of advanced weapons technologies, and the continued improvement of relations between the United States and the states of the former Soviet Union, China, and other countries of concern. Well beyond the end of this decade, a new long range missile threat against the United States is unlikely to occur. The emergence of such a threat by late in the next decade should be detectable well in advance, if it occurs at all.

In view of this situation, a prudent level of research and development to provide the technical base to develop and deploy a national missile defense on a timely basis is appropriate for the present. The budget request, however, seeks \$1.2 billion to "retain" the option of developing for deployment an ABM Treaty compliant defense of the continental U.S. in 2004, with no commitment for deployment. Spending \$100 million per month simply to preserve an option is too high a price to pay for flexibility. Fiscal realities call for a more prudent level of spending. In the current fiscal environment, the committee believes it is unwise to spend \$1.2 billion per year and seek deployment in the absence of any evidence that such a threat is likely to emerge in the next 10 to 15 years. It would rob resources from those other defense programs designed to meet military needs that are more pressing in their urgency and more perilous in their consequence. It also would do damage to our attempts to gain a greater measure of control over perhaps the greatest threats to U.S. security: the Federal deficit and the national economic erosion it engenders.

The committee also notes that there is a need to modify the Missile Defense Act to reflect the demise of the Strategic Defense Initiative, the fiscal upheavals that have taken place in the past year, and the reordering of ballistic missile defense priorities. Accordingly, the committee believes the Act should be modified on a timely basis to reflect the need to preserve the option of deploying a single site for the defense of the United States against a possible future third world ballistic missile threat. The committee also believes that, given the pace of theater missile programs, the theater ballistic missile defense systems under development should comply with the ABM Treaty.

In the Missile Defense Act of 1991, the committee, acting on information and testimony provided by the SDIO, set as a "goal" the activation of the initial LDS site at Grand Forks, North Dakota, by 1996. Information and testimony provided after enactment of the Act made clear that the 1996 deployment date was unrealistic, and that initial activation of the site could not occur before the end of the decade, under current acquisition procedures and accepting only moderate concurrency and technical risk. The committee and the Congress reluctantly accepted this judgment in revisions to the Missile Defense Act enacted in the National Defense Authorization Act for Fiscal Year 1993, but expressed in the statement of managers accompanying the conference report (H. Rept. 102-986) the following sense of urgency:

The conferees direct the Secretary of Defense to develop the advanced TMD and initial ABM deployments consistent with sound acquisition procedures and in accordance with a low-to-moderate technical risk and low-to-moderate concurrency program. The conferees further direct the Secretary to structure this development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components.

The new administration's current guidance to BMDO is to accord first priority to advanced theater missile defenses, and second priority to the initial LDS site, but on a timetable of "not sooner than 2004."

The committee looks forward to receipt of the results of the administration's "bottom up" review as it pertains to both BMD programs and timetables for deployment.

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Although the BMDO submitted the required plan for theater missile defenses in June 1993, this plan has already been overtaken by the bottom-up review and the funding reductions for BMD activities from the previous administration's plan. Accordingly, in section 224 the committee directs the Secretary of Defense to prepare and submit a new plan based on the results of that review and the development of a Future Years Defense Program. The committee has a number of substantive questions about the appropriate pace and direction of missile defenses in light of declining defense budgets. The committee also has a number of concerns about the limited progress which the BMDO has made in transitioning from the previous SDI-dominated technology development mentality to the more deployment-oriented mentality implied by both the Secretary's guidance, and that contained in the Missile Defense Act, as amended. The committee hopes that the results of the administration's review will provide answers to the following kinds of questions:

With regard to limited defenses for the continental United States—

In the absence of effective defenses against TBMs, an enormous proliferation of those weapons has taken place. The prospect that more effective defenses will be available before the end of the decade does not seem to deter this proliferation. Given this example, is there a preemptive or deterrent value to U.S. development and deployment of a Treaty-compliant LDS capability before a long-range, Third World ballistic missile threat to the United States has emerged?

What is the likely cost differential between an LDS deployment planned for a date certain, and a crash program to deploy LDS capabilities once a Third World threat has emerged?

It is known that Ukrainian technicians are seeking to wrest operational control of the ICBMs on their territory from the Russians. To what extent do such efforts increase the risk of an accidental or unauthorized missile launch toward U.S. territory?

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HOUSE ARMED SERVICES COMMITTEE

H.R. 2401; H.REPT. 103-200 (7/30/93)

REPORT LANGUAGE:

SENATE ARMED SERVICES COMMITTEE

S. 1298; S. REPT. 103-112 (6/30/93)

REPORT LANGUAGE:

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The Army's Strategic Defense Command believes a Treaty-compliant LDS can be deployed at least two years earlier than 2004, and at significantly less cost than BMDO estimates. Why, after an investment of more than \$30 billion in R&D since the establishment of the SDI program, does it still require 11 years to deploy one phased-array radar, a handful of interceptor missiles, and appropriate battle management and communications systems? From a standing start, we landed a manned spacecraft on the lunar surface in less time than that. Is "acquisition streamlining" an appropriate response?

BMDO estimates the cost of the LDS in 2004 at \$21.8 billion, plus another \$7.1 billion for "supporting costs for test infrastructure, data collection assets, and risk reduction efforts." This represents one-third of the basic acquisition costs of the LDS system. Is this a reasonable charge, or does BMDO have too large an infrastructure and support cost for the likely scale of future deployments?

The 2004 deployment date for the LDS assumed use of the brilliant eyes sensor system to extend LDS coverage over both East and West coast territory from a single site at Grand Forks. Given the determination that the "traditional" interpretation of the ABM Treaty is the legally correct one, this use of brilliant eyes may be precluded. If so, what will BMDO substitute in the LDS architecture? Ground-launched surveillance and tracking system (GSTS)? Or upgrades to ballistic missile early warning system (BMEWS) radars?

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(2) not more than \$650,000,000 shall be available for programs, projects, and activities within the Limited Defense System program element; and

SEC. 236. LIMITED DEFENSE SYSTEM DEVELOPMENT PLAN.

(a) REQUIREMENT FOR REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the development plan for a Limited Defense System covering the period of fiscal years 1994 through 1999.

(2) The report under paragraph (1) shall be submitted not later than May 30, 1994, and may be included in the next annual report on ballistic missile defenses submitted to Congress. under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

(b) ISSUES TO BE ADDRESSED IN REPORT.—The report under subsection (a) shall include discussion of the following matters:

(1) The proposed Limited Defense System architecture.

(2) The systems and components to be developed to implement that architecture.

(3) The extent to which those systems and components can be developed during the period referred to in subsection (a), assuming annual funding for the Limited Defense System averaging \$600,000,000 per year.

(4) The additional funding required and the additional time required after fiscal year 1999 in order for initial deployment of a limited, ABM-Treaty-compliant capability at a single site to be implemented.

(5) The variations in both required funding and required time after fiscal year 1999 for the same initial deployment to be implemented—

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The conferees note that, in its recently completed Bottom-Up Review, the Administration has significantly reordered priorities for the ballistic missile defense program to emphasize protection of forward-deployed U.S. forces in the near-term and to proceed with a more robust theater missile defense program. The limited defense system program would be continued as an aggressive technology development program. The conferees are strongly committed to the top priority assigned to theater missile defense in the BMD program. The conferees are also highly supportive of a strong technology development program to reduce lead-times for deployment of a limited national missile defense system should a significant threat develop. The conferees further note that the level of funding authorized in this act is significantly lower than the annual average funding level for ballistic missile defenses recommended in the Bottom-Up Review. In part, this outcome represents the conferees' judgment that, for fiscal year 1994, other competing programs are of higher priority than additional BMD funding; in part, it reflects the conferees' judgment that the Department of Defense has not yet made the case for the funding levels it recommends in the Bottom-Up Review. Future program plans, timetables for deployment, testing plans, and missile defense architectures are incompletely defined, providing little basis, thus far, for congressional support of higher funding levels. Accordingly, the conferees require detailed reporting on the specific directions that the Administration intends to pursue in support of its broad BMD policy statements over the period covered by the future years defense program.

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(A) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages \$750,000,000 per year; and

(B) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages \$450,000,000 per year.

(6) The extent to which missile defense technologies and components that are developed for Theater Missile Defense systems to be deployed before fiscal year 2000 can reduce the development costs and lead-times for development and deployment of a Limited Defense System.

(7) The extent to which acquisition streamlining can be applied to the development of a Limited Defense System.

(8) The extent to which the testing and simulation infrastructure, the level of engineering and technical support, and the extensive reliance on studies and analyses by contractors, and the substantial use of outside contractors for systems engineering and technical analysis which the Ballistic Missile Defense Organization has inherited from the Strategic Defense Initiative Organization can be reduced given the re-evaluation of the Ballistic Missile Defense program that has emerged from the Bottom-Up Review of the Secretary of Defense which was conducted during 1993.

(9) Such other matters as the Secretary considers important.

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In sections 235 and 236, respectively, the conferees require the Administration to provide detailed "roadmaps" of its multi-year plans for development and deployment of robust theater missile defenses, and its multi-year development plans for a limited defense system. The conferees are concerned that, within the theater missile defense initiative, duplicative and overlapping programs exist, and more programs are being considered for development and deployment than prospective future funding levels can support. The conferees agree that the threat is here today and that current defense capabilities need to be augmented by improved fielded capabilities, deployable in adequate numbers. Too often, the Department has allowed pursuit of some "better" longer term alternative to delay the development and fielding of quite good—and badly needed—nearer term capabilities. The conferees believe strongly that the Department must make the hard choices necessary to select those programs which will provide the most cost-effective theater missile defense capabilities within realistic overall budget ceilings. The conferees also encourage the completion of those critical near-term experiments and tests that would confirm the effectiveness of particular technologies for theater missile defense application. The conferees intend to scrutinize the BMDO theater missile defense plan closely to ensure the rapid availability of improved missile defenses to U.S. expeditionary forces.

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The conferees are also concerned that the proposed annual funding in the Bottom-Up Review of \$600 million per year for a limited defense system may be insufficiently focused on the development of the specific systems that could comprise a future initial Treaty-compliant development in response to some potential threat. The funding level may also be inadequate to ensure a robust hedge against the need for timely engineering and manufacturing development (EMD) and deployment to counter some future, belatedly-recognized threat to the United States. In this regard, the conferees direct that priority for funding within the limited defense system program shall be placed on those projects aimed at resolving the key system-level technical challenges associated with a limited defense system. The projects should include prototypical ground-based interceptors (GBI), kinetic kill vehicles (KKVs), ground-based radar and space-based sensor technology, and associated battle management/command, control and communications (BM/C3) capabilities necessary to support such a responsive posture. The conferees serve notice that funding requests for the continued technology development of components of a future limited defense system must clearly lead to reduced lead-times for deployment in response to a future threat. The funds cannot simply be expended across a broad array of "technology development" activities.

The conferees further note that, under the former "Strategic Defense Initiative (SDI)", substantial sums were invested in large test facilities, numerous projects and activities which may be of possible national defense utility but which may be unnecessary to the current emphasis on development and deployment of specific missile defense architectures, and countless studies, analyses, and contractor support activities, which should now be largely superfluous and unnecessary. In sum, BMDO has changed its name and has completed the broad outlines of a reorganization from SDI to deployable theater missile defenses. But many more programs, projects, and activities of limited relevance to near-term goals re-

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SEC. 237. THEATER AND LIMITED DEFENSE SYSTEM TESTING.

(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—  
Except for the acquisition of those production representative missiles required for the completion of developmental and operational testing, the Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone IIIA) acquisition stage until the Secretary certifies to the congressional defense committees that more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, have been conducted, the results of which demonstrate the achievement by the interceptors of the weapons systems performance goals specified in the system baseline document established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered engineering and manufacturing systems development. The live-fire tests demonstrating such results shall involve multiple interceptors and multiple targets in the presence of realistic countermeasures.

(b) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS OF LIMITED DEFENSE SYSTEM PROGRAM PROJECTS.—A developmental test may not be conducted under the Limited Defense System program element of the Ballistic Missile Defense Program until the Secretary of Defense reviews and approves (or approves with changes) the test plan for such developmental test.

(c) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (b) by a group composed of persons who—  
(A) by reason of education, training, or experience are qualified to monitor the testing covered by the plan; and  
(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

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main. Moreover, BMDO infrastructure and outside support cadres are still too robust for future funding levels. The BMDO needs to further streamline its overhead and slim down its programs, projects, and activities, in order to devote the bulk of its efforts to those missile defense development and deployment activities endorsed by Congress in this act.

In section 237, the conferees incorporate separate provisions of the House bill (sec. 240) regarding theater missile defense testing and the Senate amendment (sec. 228) regarding testing of limited defense system components.

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H.R. 3116; H.REPT. 103-254 (9/21/93)

BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

SENATE APPROPRIATIONS COMMITTEE  
H.R. 3116; H.REPT. 103-153 (9/27/93)

BILL LANGUAGE:

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*Limited defense system.*—The Ballistic Missile Defense Organization [BMDO] supports development and testing of interceptors, surveillance sensors, and command and control systems with funds requested in this program element. As a result of the Pentagon's "Bottom-Up Review", DOD will now convert the National Missile Defense [NMD] Program into a technology hedge program. The Pentagon's technology development plan allocates roughly \$3,000,000,000 from 1995-99 for NMD, providing \$600,000,000 per year if funded at a constant level.

The Committee provides \$683,851,000, a reduction of \$511,608,000 to the budget request. The recommended funding level for this program element is consistent with the likely annual funding level under the DOD plan. The House approved no funds in this program element. Several specific adjustments are included in the Committee recommendation.

First, the DOD decision to defer deployment of an NMD system obviates the need to fund efforts to develop communications capability for an NMD system, to provide survivability technologies for incorporation during the engineering and manufacturing development [EMD] phase of NMD development, and to evolve simulations of the NMD system. Based on DOD's decision, the Committee recommends the following reductions: (a) \$10,037,000 from the communications engineering project; (b) \$19,533,000 from the survivability engineering and demonstrations project; and (c) \$2,658,000 from the system simulations project.

Second, DOD's decision to delay production of an NMD system eliminates the need to acquire systems engineering and integration capability, to plan logistic support, and to address producibility risks. Given the DOD decision to delay production, the Committee makes the following reductions: (a) \$49,580,000 from the system engineering project; (b) \$3,906,000 from the integrated logistics support project; and (c) \$3,476,000 from the producibility and manufacturing project.

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REPORT LANGUAGE:

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Third, transforming NMD from an acquisition program into a technology development program eliminates the stringent development and operational testing requirements mandated in acquisition programs. The DOD decision will reduce the pace and scope of NMD efforts, providing a corresponding decrease in other NMD test activities. Given the impact of the DOD decision on NMD test activities, the Committee recommends the following reductions: (a) \$8,000,000 from the test and evaluation facilities project; (b) \$2,000,000 from the lethality and target hardening project; (c) \$5,860,000 from the independent test and evaluation [T&E] oversight and assessment project; (d) \$15,000,000 from the system test planning and execution project; and (e) \$4,000,000 from the operational test and evaluation project.

Fourth, the Committee denies \$80,124,000 sought to develop the national missile defense ground-based radar [NMD-GBR], based on the "Bottom-Up Review" decision to fund national missile defense as a technology program. The Committee recommendation provides \$20,000,000 to bring the program to a conclusion. GBR-NMD was already premature given delays in the ground-based interceptor [GBI] program. The Committee recommendation allows the theater missile defense ground-based radar [TMD-GBR] to validate the technology and support systems without concurrently developing two radars.

Fifth, \$191,256,000 is deleted from the request for development of the ground-based interceptor [GBI]. DOD has delayed initiation of the GBI demonstration and validation program for nearly 1 year, eliminating the requirement for the requested funds. The Committee recommendation provides \$46,920,000, the amount spent in fiscal year 1993 for risk reduction efforts under three contracts. The Committee directs that no more than 50 percent of the appropriated funds may be obligated until BMDO provides a detailed plan for expenditure of the funds, outlining the technical objectives and schedule for the GBI technology development program.

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REPORT LANGUAGE:

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Sixth, the Committee reduces the command center project request by \$38,000,000 to continue the effort at a significantly reduced level. Even at the approved level, the Committee questions the need for spending over \$38,000,000 for a command center to support defenses which are not yet developed and will not be deployed in the foreseeable future. To date, BMDO has spent \$374,000,000 on this effort to provide USSPACECOM the ability to plan, command, and control NMD operations. The Committee expects these funds to be used to document the result of past efforts and outline a plan to sustain the technology at a substantially lower level of funding during the NMD technology development program.

Seventh, the Committee adds \$20,000,000 to the sensor studies and experiments project to fund the Red Tigris III program which permits investigation of the signature characteristics of various ballistic missile threats.

Eighth, the Committee recommendation includes an increase of \$25,000,000 in the system test environment project to continue national testbed efforts to evaluate alternative missile defense systems and technologies. The Committee directs that the additional funds should be focused on modeling and simulating theater missile defense systems currently in development.

Ninth, \$16,896,000 is added for collection of data during flight experiments using the airborne surveillance testbed.

Finally, the Committee eliminates \$140,074,000 proposed for development of Brilliant Eyes [BE]. The Senate voted to prohibit obligation of BMDO funds for development of BE.

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BILL LANGUAGE:  
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No language exists.

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REPORT LANGUAGE:  
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No language exists.

# **MISSILE DEFENSE ACT**

MISSILE DEFENSE ACT

HOUSE ARMED SERVICES COMMITTEE  
H.R. 2401; H. REPT. 103-200 (7/30/93)

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**SEC. 234. REVISIONS TO MISSILE DEFENSE ACT OF 1991.**

*The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note) is amended as follows:*

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out “while deploying” and inserting in lieu thereof “while developing the option to deploy”; and

(B) in paragraph (3), by inserting “, as appropriate,” before “to friends and allies of the United States”.

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BILL LANGUAGE:

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**SEC. 231. REVISION OF THE MISSILE DEFENSE ACT OF 1991.**

(a) TERMINOLOGY AMENDMENTS.—The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is amended—  
(1) in section 234(c)(1)—

(A) by striking out “Strategic Defense Initiative Organization (SDIO)” and inserting in lieu thereof “Ballistic Missile Defense Organization (BMDO)”; and

(B) by striking out “Strategic Defense Initiative Organization’s” and inserting in lieu thereof “Ballistic Missile Defense Organization’s”;

(2) in section 235—

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(2) Section 232(b) is amended—

(A) in paragraphs (1) and (2), by striking out “the Soviet Union” and inserting in lieu thereof “Russia”; and

(B) in paragraph (2), by striking out “Treaty, to include the down-loading of multiple warhead ballistic missiles” and inserting in lieu thereof “Treaties, to include the down-loading of multiple warhead ballistic missiles, as appropriate”.

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting “in compliance with the ABM Treaty” after “for deployment”;

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(A) in the section heading, by striking out “STRATEGIC DEFENSE INITIATIVE” and inserting in lieu thereof “BALLISTIC MISSILE DEFENSE PROGRAM”; and

(B) in the text of such section, by striking out “Strategic Defense Initiative” each place it appears and inserting in lieu thereof “Ballistic Missile Defense program”;

(3) in the heading of section 236, by striking out “SDI” and inserting in lieu thereof “BMD”; and

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*(B) by striking out paragraph (2) and inserting in lieu thereof the following:*

*“(2) INITIAL ABM DEPLOYMENT.—The Secretary shall develop, at an appropriate pace, a cost-effective, operationally effective, and ABM Treaty-compliant anti-ballistic missile system for potential deployment at a single site. The Secretary shall ensure that components of such system are themselves in compliance with the ABM Treaty.”; and*

*(C) by striking out paragraph (3).*

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*(4) in sections 234, 235, and 236, by striking out “Strategic Defense Initiative Organization” each place it appears and inserting in lieu thereof “Ballistic Missile Defense Organization”.*

*(b) REPEAL OF FUNDING, REPORTING, AND TRANSFER PROVISIONS.—(1) Section 237 of such Act is repealed.*

*(2) Such Act is amended by redesignating sections 238, 239, and 240 as sections 237, 238, and 239, respectively.*

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(4) Subsection (c) of section 233 is amended to read as follows:

“(c) *PRESIDENTIAL ACTIONS.*—Congress urges the President to pursue immediate discussions with Russia on the feasibility and mutual interest of amendments to the ABM Treaty to permit clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors and radars.”.

(5) Section 234 is amended to read as follows:

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**"SEC. 234. MANAGEMENT RESPONSIBILITY FOR RESEARCH  
AND DEVELOPMENT OF FAR-TERM FOLLOW-  
ON TECHNOLOGIES.**

*"(a) MANAGEMENT RESPONSIBILITY.—The Secretary of Defense shall provide that management and budget responsibility for research and development of any far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.*

*"(b) WAIVER AUTHORITY.—The Secretary may waive the provisions of subsection (a) in the case of a particular far-term follow-on technology that on December 5, 1991,*

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**SEC. 225. EXTENSION OF AUTHORITY FOR TRANSFER OF  
RESPONSIBILITY FOR FAR-TERM FOLLOW-ON  
TECHNOLOGIES.**

Section 234(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2357; 10 U.S.C. 2431 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "1993" and inserting in lieu thereof "1994";

(B) by striking out "(A)"; and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and  
(2) by striking out "(B) For purposes of subparagraph (A)," and all that follows.

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*was under the Strategic Defense Initiative Organization and provide that management and budget responsibility for research and development of that technology shall be provided through the Ballistic Missile Defense Organization if the Secretary determines, and certifies to the congressional defense committees, that providing management and budget responsibility for research and development of that technology as provided in subsection (a) would not be in the national security interests of the United States.*

*“(c) DEFINITION.—For purposes of this section, the term ‘far-term follow-on technology’ means a technology that is not likely to be incorporated into a weapon system before 2008.”*

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(6) Section 235 is amended—

(A) by striking out “Strategic Defense Initiative” in subsections (a) and (b) and inserting in lieu thereof “Ballistic Missile Defense program”; and

(B) by striking out the section heading and inserting in lieu thereof the following:

**“SEC. 235. PROGRAM ELEMENTS FOR BALLISTIC MISSILE**

**DEFENSE PROGRAM.”.**

(7) Section 236(c) is amended by striking out “Strategic Defense Initiative Organization” and inserting in lieu thereof “Ballistic Missile Defense Organization”.

(8) Section 238 is amended—

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*(A) by striking out "As deployment" and  
inserting in lieu thereof "As time for a decision  
concerning exercising the option for deploy-  
ment"; and*

*(B) by striking out "to the deployment  
date".*

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REPORT LANGUAGE:

No language exists.

SECTION 234—REVISIONS TO MISSILE DEFENSE ACT OF 1991

This section would amend the Missile Defense Act of 1991 (part C of title II of Public Law 102-190) to reflect changes in the world situation, the demise of the Strategic Defense Initiative, and the reordering of ballistic missile defense priorities. The committee believes that the Act should be modified on a timely basis to reflect the need to preserve the option of deploying a single site for the defense of the United States against a possible future third world ballistic missile threat.

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SEC. 232. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

*The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note) is amended as follows:*

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out “while deploying” and inserting in lieu thereof “while developing, and maintaining the option to deploy,”; and

(B) in paragraph (3), by inserting “, as appropriate,” before “to friends and allies of the United States”.

(2) Section 232(b) is amended—

(A) in paragraph (1), by striking out “the Soviet Union” and inserting in lieu thereof “other nuclear weapons states”; and

(B) in paragraph (2)—

(i) by striking out “the Soviet Union” and inserting in lieu thereof “Russia”; and

(ii) by striking out “Treaty, to include the downloading of multiple warhead ballistic missiles” and inserting in lieu thereof “Treaties, to include the downloading of multiple warhead ballistic missiles, as appropriate”.

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting “in compliance with the ABM Treaty, including any protocol or amendment thereto” after “for deployment”;

(B) in paragraph (2), by striking out “develop for deployment” and inserting in lieu thereof “conduct a research and development program to develop and maintain the option to deploy”; and

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REVISION TO THE MISSILE DEFENSE ACT OF 1991

In section 232, the conferees make technical and conforming changes to the Missile Defense Act of 1991, as amended, to reflect the changed national missile defense priorities resulting from the Bottom-Up Review and the redesignation of SDIO as BMDO.

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(C) by striking out paragraph (3).  
(4) Subsection (c) of section 233 is amended to read as follows:

*“(c) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue immediate discussions with Russia and other successor states of the former Soviet Union, as appropriate, on the feasibility of, and mutual interest in, amendments to the ABM Treaty to permit—*

*“(1) clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors, radars, and other sensors; and*  
*“(2) increased use of space-based sensors for direct battle management.”*

(5) Section 235 is amended—

(A) in the section heading, by striking out “STRATEGIC DEFENSE INITIATIVE” and inserting in lieu thereof “BALLISTIC MISSILE DEFENSE PROGRAM”;

(B) in subsection (a)—

(i) by striking out “Strategic Defense Initiative” and inserting in lieu thereof “Ballistic Missile Defense program”; and

(ii) by striking out paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(C) in subsection (b), by striking out “Strategic Defense Initiative” and inserting in lieu thereof “Ballistic Missile Defense program”.

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- (6) Section 236 is amended—  
(A) in the section heading, by striking out “SDI” and inserting in lieu thereof “BMD”;  
(B) by striking out subsections (b) and (c); and  
(C) by redesignating subsection (d) as subsection (b) and in paragraph (1) of that subsection by striking out “within the” and all that follows in that paragraph and inserting in lieu thereof “within the Limited Defense System program element.”  
(7) Section 238 is amended by striking out “As deployment and all that follows through “deployment date,” and inserting in lieu thereof “Once development testing of components for a Limited Defense System has begun.”

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No language exists.

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# ***FOLLOW-ON TECHNOLOGY***

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**"SEC. 234. MANAGEMENT RESPONSIBILITY FOR RESEARCH  
AND DEVELOPMENT OF FAR-TERM FOLLOW-  
ON TECHNOLOGIES.**

*"(a) MANAGEMENT RESPONSIBILITY.—The Secretary of Defense shall provide that management and budget responsibility for research and development of any far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.*

*"(b) WAIVER AUTHORITY.—The Secretary may waive the provisions of subsection (a) in the case of a particular far-term follow-on technology that on December 5, 1991,*

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**SEC. 225. EXTENSION OF AUTHORITY FOR TRANSFER OF  
RESPONSIBILITY FOR FAR-TERM FOLLOW-ON  
TECHNOLOGIES.**

Section 234(d)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2357; 10 U.S.C. 2431 note) is amended—  
(1) in subparagraph (A)—

(A) by striking out "1993" and inserting in lieu thereof "1994";

(B) by striking out "(A)"; and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and  
(2) by striking out "(B) For purposes of subparagraph (A)," and all that follows.

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*was under the Strategic Defense Initiative Organization and provide that management and budget responsibility for research and development of that technology shall be provided through the Ballistic Missile Defense Organization if the Secretary determines, and certifies to the congressional defense committees, that providing management and budget responsibility for research and development of that technology as provided in subsection (a) would not be in the national security interests of the United States.*

*“(c) DEFINITION.—For purposes of this section, the term ‘far-term follow-on technology’ means a technology that is not likely to be incorporated into a weapon system before 2008.”*

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The committee directs termination of the RAPTOR TALON program and the transfer of \$8.5 million for the RAPTOR unmanned aerial vehicle to a new program element as a part of the defense airborne reconnaissance initiative. The committee also directs the transfer of the miniature sensor technology integration development program to the Advanced Research Projects Agency and recommends \$28.884 million in PE 603226E for that purpose.

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**SEC. 243. TRANSFER OF FOLLOW-ON TECHNOLOGY PROGRAMS.**

(a) **MANAGEMENT RESPONSIBILITY.**—Except as provided in subsection (b), the Secretary of Defense shall provide that management and budget responsibility for research and development of any program, project, or activity to develop far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.

(b) **WAIVER AUTHORITY.**—The Secretary may waive the provisions of subsection (a) in the case of a particular program, project, or activity if the Secretary certifies to the congressional defense committees that it is in the national security interest of the United States to provide management and budget responsibility for that program, project, or activity through the Ballistic Missile Defense Organization.

(c) **REPORT REQUIRED.**—As a part of the report required by section 231(e), the Secretary shall submit to the congressional defense committees a report identifying—

- (1) each program, project, and activity with respect to which the Secretary has transferred management and budget responsibility from the Ballistic Missile Defense Organization in accordance with subsection (a);
- (2) the agency or military department to which each such transfer was made; and
- (3) the date on which each such transfer was made.

(d) **DEFINITION.**—For the purposes of this section, the term “far-term follow-on technology” means a technology that is not incorporated into a ballistic missile defense architecture and is not likely to be incorporated within 15 years into a weapon system for ballistic missile defense.

(e) **CONFORMING AMENDMENT.**—Section 234 of the Missile Defense Act of 1991 is repealed.

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Section 243 would provide for the orderly transfer of far-term missile defense technologies from the management responsibility of BMDO to the military departments and defense agencies. While the Secretary of Defense may retain any of the programs, projects, and activities that he deems to be of overriding importance to the national security under BMDO management, the conferees strongly encourage this transfer. For the past two years, Congress has strongly recommended that follow-on research activities be transferred to the military departments and defense agencies. Only three such projects have been transferred. As a guideline, follow-on research projects should not be retained in, or transferred to, BMDO unless there is a plan to begin deployment-related activities, such as EMD, within the period covered by the future years defense program. Resources for ballistic missile defenses are limited, and the decision has been made to abandon a fixed date for deployment of national missile defenses and to keep limited defense systems at the technology demonstration level. These factors all suggest that “follow-on technologies” are highly unlikely to be developed for deployment in the foreseeable future. Other potential defense missions outside the BMD program for long-term technologies, such as high energy lasers, appear more promising, yet continuation of such programs under BMDO auspices unnecessarily focuses those technology efforts on missile defense missions. To the extent the Secretary elects to retain any of the follow-on systems technologies within BMDO, such activities shall be placed under, and funded from the resources allocated to, the research and support program element.

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"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM."

## SEC. 241. CLEMENTINE SATELLITE PROGRAM.

(a) FINDING.—The Congress finds that the program of the Ballistic Missile Defense Organization that is known as the "Clementine" program, consisting of a satellite space project that will, among other matters, provide valuable information about asteroids in the vicinity of Earth, represents an important opportunity for transfer of Department of Defense technology for civilian purposes and should be supported.

(b) CONGRESSIONAL VIEWS.—The Congress urges the Secretary of Defense—

- (1) to identify an appropriate management structure within either the Advanced Research Projects Agency or one of the military departments to which the Clementine program and related programs of general applicability to civilian, commercial, and military space programs might be transferred; and
- (2) to consider funding for the Clementine program to be a priority within whatever agency or department is identified as described in paragraph (1) and to provide funds for that program at an appropriate level.

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The House bill contained a provision (sec. 244) related to the Clementine satellite program. The conferees do not believe the program is relevant to the near-term missile defense capabilities that will be emphasized. Accordingly, in section 241, the conferees direct the Secretary to evaluate the merits of the proposed use of the Clementine satellite program. If the Secretary determines that it merits DOD support, the Secretary shall apply funding to and assign programmatic responsibility to a military department of defense agency other than BMDO.

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The Ballistic Missile Defense Organization requested \$22,464,000 for Follow-On Technologies. Included in this program element is development of an unmanned aircraft (RAPTOR) that will serve as a host platform for a missile (TALON) to detect and destroy hostile theater-launched missiles. The Committee is concerned that the BMDO will spend several hundred million dollars to develop and deploy such a system at a time when the Defense Department and the intelligence community have terminated other highly capable unmanned aerial vehicles. The Committee is, therefore, directing that no funds provided to BMDO are available for any UAV programs without the specific prior approval of the House Committee on Appropriations.

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*Other follow-on systems.*—The Committee provides \$265,709,000, a reduction to the budget request of \$88,478,000, for efforts to develop advanced technologies and systems for future missile defenses. The House provided no funds in this program element.

The Committee deletes \$2,707,000 sought for the power and power conditioning project. The requested funds support development of electrical power generation and conditioning concepts for systems such as Brilliant Eyes, Brilliant Pebbles, and the ground-based interceptor. The Pentagon decision to defer national missile defense system development and deployment make these efforts lower priority.

The Committee also denies \$62,671,000 requested for the advanced interceptor technology [AIT] project. This project provides funds for the development of Brilliant Pebbles. The Committee considers expenditure of \$70,000,000 in fiscal year 1994 for a system which is unlikely to ever be deployed for policy reasons to be unjustified. The "Bottom-Up Review" decision to reduce national missile defense [NMD] funding and convert NMD into a technology development effort will certainly push realistic consideration of a Brilliant Pebbles system far beyond the previously planned year 2000 decision on whether to proceed with the program. This level of investment through the year 2000 and beyond is unaffordable. The Committee directs that the \$10,000,000 provided be used only to terminate the program.

The Committee deletes \$23,100,000, consistent with the Senate approved limit on spending, for other follow-on systems funded in this program element.

The Committee is interested in technologies that may permit intercept of ballistic missiles during the boost phase and urges careful consideration of boost phase intercept [BPI] concepts. The Committee recommendation provides the requested level of funding for a joint United States-Israel analysis of BPI concepts and technology.

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No language exists.

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# **SINGLE-STAGE ROCKET TECHNOLOGY**

SINGLE-STAGE ROCKET TECHNOLOGY

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**SEC. 217. SINGLE STAGE ROCKET TECHNOLOGY.**

(a) *PROGRAM FUNDING.*—The Secretary of Defense shall establish a Single Stage Rocket Technology program and shall provide funds for that program within funds available for the Advanced Research Projects Agency. That program shall be managed within the Office of the Under Secretary of Defense for Acquisition.

(b) *FUNDING.*—Of the amount appropriated pursuant to section 201 for Defense-wide activities, \$79,880,000 shall be available for, and may be obligated only for, Single Stage Rocket Technology.

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## Single stage rocket technology

The budget request included \$4.88 million for single stage rocket technology (SSRT), also known as single-stage-to-orbit (SSTO), within the Ballistic Missile Defense Office (BMDO) follow-on technologies program to complete the final testing in phase one of the program.

The United States spends over \$30 billion each year on space programs. Yet, unlike many other commercial activities that have benefitted and achieved greater efficiencies from military research and development, U.S. commercial launch costs are at least twice—and in some instances as much as ten times—the costs of foreign competitors. Similarly, it takes the United States at least four times as long to provide launch services to any given user.

The Congress must remain skeptical and avoid fully embracing the sometimes overly optimistic claims regarding SSRT/SSTO technology. Yet, if the United States is to regain its international competitiveness in this critically important military and economic area, it must pursue promising enabling space launch technologies that have the potential of dramatic reductions in launch costs.

Accordingly, the committee recommends the following:

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## SECTION 217—SINGLE STAGE ROCKET TECHNOLOGY

This section would establish a single stage rocket technology program within the Office of the Undersecretary of Defense for Acquisition and Technology with the funding provided through the Advanced Research Projects Agency instead of the Ballistic Missile Defense Office.

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## SEC. 213. SPACE LAUNCH MODERNIZATION PLAN.

(a) *PLAN REQUIRED.*—(1) The Secretary of Defense shall develop a plan that establishes and clearly defines priorities, goals, and milestones regarding modernization of space launch capabilities for the Department of Defense or, if appropriate, for the Government as a whole. The plan shall specify whether the Secretary intends to allocate funds for a new space launch vehicle or other major space launch development initiative in the next future-years defense program submitted pursuant to section 221 of title 10, United States Code.

(2) The plan shall be developed in consultation with the Director of the Office of Science and Technology Policy.

(3) The Secretary shall submit the plan to Congress at the same time in 1994 that the Secretary submits to Congress the next future-years defense program.

(b) *ALLOCATION OF FUNDS.*—Of the amount authorized to be appropriated in section 201, \$35,000,000 shall be available through the Office of the Undersecretary of Defense for Acquisition and Technology for research, development, test, and evaluation of new non-man-rated space launch systems and technologies. None of that amount may be obligated or expended for any operational United States space launch vehicle system in existence as of the date of the enactment of this Act. Of that amount—

(1) \$17,000,000 shall be available for the single-stage rocket technology (SSRT) program, including—

(A) completion of phase one of the SSRT program begun in the Ballistic Missile Defense Office;

(B) concept studies for new reusable space launch vehicles;

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## Space launch modernization (sec. 213)

The budget request included \$53.9 million for the national launch system (NLS) program, \$43.3 million for the national aerospace plane (NASP), \$58.5 million for medium launch vehicles (MLV) RDT&E, \$330.7 million for Titan space launch vehicles RDT&E, and \$4.88 million for single-stage rocket technology (SSRT).

The House bill would authorize the requested amount for NLS; add \$36.7 million for NASP, \$37.0 million for MLV improvements, \$15.0 million for a Centaur upper stage processing facility for Titan, and, in a legislative provision (sec. 217), \$75.0 million for SSRT.

The Senate amendment would deny the request for NLS and NASP, reduce the request for Titan by \$24.1 million due to the availability of prior-year funds for upper stage vehicle research, and approve the request for MLV and SSRT. In addition, the Senate amendment would authorize \$30.0 million for RDT&E on new launch vehicle technology. The Senate amendment included a provision (sec. 214) that would require the Secretary of Defense to develop a space launch roadmap which focuses available resources on a single development or acquisition effort.

The House recedes on MLV and Titan funding and the provision on SSRT. The House recedes with an amendment on the space launch roadmap provision.

The Senate recedes on prior-year upper stage vehicle funding. The conferees agree that the national aerospace plane should be phased out in an orderly fashion in fiscal year 1994. The conferees conclude that the Department of Defense cannot afford to pursue an X-plane development program at this time. The conferees do believe that the Department, preferably in cooperation with the National Aeronautics and Space Administration, should retain a vigorous level-of-effort technology program in hypersonic vehicles. Accordingly, the conferees agree to authorize \$40.0 million

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(C) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and  
(D) examination of reusable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs; and

(2) \$18,000,000 shall be available for similar tasks related to expendable launch vehicles, including—

(A) concept studies for new expendable space launch vehicles;

(B) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and

(C) examination of expendable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs.

(c) REQUIREMENTS REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.—If the space launch plan under subsection (a) identifies a new, non-man-rated expendable or reusable launch vehicle technology for development or acquisition, the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(d) COST REDUCTION REQUIREMENT.—The plan shall provide for a means of reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for those production rates.

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for hypersonic vehicle research. The conferees direct the Secretary of the Air Force to report to the congressional defense committees no later than April 1, 1994, on the allocation of these funds, the funding profile for the balance of the Future Years Defense Program, the goals and objectives of the program, and the relationship between the DOD and NASA programs.

The conferees understand that the President's Science Advisor intends to review national space launch policy and programs again. This review may supersede the recommendations contained in the Department of Defense Bottom Up Review which concluded that the Department could not afford any new launch acquisition programs, despite an acknowledgement of serious deficiencies in space launch capabilities and competitiveness.

To preserve options for the Administration during this planned review, the conferees agree to modify the Senate provision to authorize \$35.0 million for space launch modernization for fiscal year 1994, despite the conclusions of the DOD Bottom-Up Review. This amount includes the \$4.88 million requested for launch technology within the Ballistic Missile Defense Organization. These funds shall be used to keep the various technology and system options open. The funds shall also be used to complete phase one of the single stage rocket technology program and to continue the space transportation main engine efforts.

If the Administration decides to pursue any new technology or acquisition programs, they shall be competitively awarded. The conferees also stress the importance of ensuring that small- and medium-sized companies are able to compete in any new programs.

The conferees agree with the Senate position that the Administration must stop trying to keep multiple space launch programs alive despite ever-dwindling resources. The conferees agree that the Administration must focus scarce resources to achieve any success at all.

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(e) *STUDY OF DIFFERENCES BETWEEN UNITED STATES AND FOREIGN SPACE LAUNCH VEHICLES.*—(1) *The Secretary of Defense shall conduct a comprehensive study of the differences between existing United States and foreign expendable space launch vehicles in order—*

(A) *to identify specific differences in the design, manufacture, processing, and overall management and infrastructure of such space launch vehicles; and*

(B) *to determine the approximate effect of the differences on the relative cost, reliability, and operational efficiency of such space launch vehicles.*

(2) *The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration and, as appropriate, the heads of other Federal agencies and appropriate personnel of United States industries and academic institutions in carrying out the study.*

(3) *The Secretary shall submit to Congress a report of the results of the study no later than October 1, 1994.*

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The conferees recognize the merits in all the major competing technologies, including airbreathing propulsion, single-stage rocket technology, and rugged expendable concepts. The conferees also recognize that there may be opportunities to improve existing systems in terms of cost, reliability, and responsiveness. At the same time, based on unfortunate experience, the conferees are extremely wary of excessive optimism on costs, schedule, and performance.

The conferees are concerned that the U.S. commercial launch industry is rapidly losing ground to foreign competitors, which in turn is driving up the cost of U.S. government launches. The conferees are also concerned that the existing systems enjoy a near monopoly position for launches of government payloads in their respective weight and volume classes. In addition to offering few incentives for cost control, this situation has resulted in a large excess industrial capacity as the number of actual and planned government satellite launches has declined. In addition, overall, NASA and the Department of Defense have demonstrated a remarkable inability to work together. Across the government, a debilitating culture favors complexity, fragility, and accommodation to unique payload demands. To date, neither the government nor industry has attempted to approach space launch as they do cargo transport by truck, rail, ships, or aircraft. In these areas, standardization, rugged design, performance margins, low cost, and responsiveness are of overriding importance.

These problems are well-known; most, in fact, were addressed by the recent DOD review. The Department concluded, however, that these problems were not pressing enough to warrant a major initiative in the current budget environment.

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The conferees fear that this course will lead to an obsolete and ineffective U.S. launch industry over the long term, while national security concerns could preclude significant reliance on foreign systems—despite heavy dependence on foreign sources in other critical defense industries. The conferees expect the Administration to come to grips with these issues and be prepared to present a coherent set of policies and programs to Congress early next year.

It is widely asserted that foreign launch vehicle programs enjoy distinct advantages over U.S. launch systems in terms of cost and responsiveness. The provision would require the Department of Defense to study this issue, in parallel with a National Aeronautics and Space Administration study.

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## SPACE LAUNCH VEHICLES

As discussed elsewhere in this report under Space and Related Programs, the Committee has provided \$50,000,000 to the Advanced Research Projects Agency for development of new space launch technologies.

Of the total amount provided, at least \$40,000,000 must be allocated for a long-term effort to produce an unmanned single-stage-to-orbit prototype launch vehicle. These funds may only be used for a competitive effort. Moreover, since ARPA has repeatedly demonstrated its ability to manage innovative technology programs, the Committee, therefore, also directs that any contracts awarded with these funds must be managed by ARPA itself and not by another federal organization on a reimbursable basis.

The remaining \$10,000,000 shall be used for additional research on such launch technologies as hybrid rocket motors and parafoils.

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SPACE LAUNCH VEHICLES

The conferees agree to provide a total of \$60,000,000 to ARPA for research and development activities for space launch vehicles. The conferees agree not to provide \$53,906,000 to the Air Force for a new National Launch System vehicle as proposed by the House, but rather agree to provide \$10,000,000 to ARPA to begin program concept definition for a new, affordable, near-term medium launch vehicle. The conferees also agree to provide \$40,000,000 for a competitive Single Stage to Orbit (SSTO) vehicle as proposed by the House; however, the conferees agree to modify the House language to permit reimbursement to the Air Force for projects approved by the Director of ARPA. Finally, the conferees also agree to provide \$10,000,000 as proposed by the House for launch technology development projects such as hybrid propellants and parafoils.

## **TEST LAUNCHES**

TEST LAUNCHES

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SEC. 222. LIMITATION ON DEPARTMENT OF DEFENSE MIS-

SILE LAUNCHES FOR TEST PURPOSES.

(a) *LIMITATION.*—The Secretary of Defense may not conduct a launch of a missile as part of a test program in any case in which an anticipated result of the launch would be the release of debris in an area over land of the United States outside a designated Department of Defense test range.

(b) *DEFINITION OF DEBRIS.*—For purposes of subsection (a), the term “debris” does not include particulate matter that is regulated for considerations of air quality.

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No language exists.

SECTION 223—LIMITATION ON DEPARTMENT OF DEFENSE MISSILE  
LAUNCHES

This section would prohibit the Department of Defense from launching missiles as part of a test program if there is a planned release of debris over land, outside of a designated test range. Debris does not include exhaust or other particles regulated for purposes of air quality. This section would cover only anticipated or unavoidable release of debris; the committee does not intend to prohibit launches that might have to be detonated in case of accident. The committee does not intend to preclude test launches over water.

## TEST LAUNCHES

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### SEC. 221. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) *LIMITATION.*—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris within 50 miles of the Canyonlands National Park, Utah.

(b) *DEFINITION OF DEBRIS.*—For purposes of subsection (a), the term “debris” does not include particulate matter that is regulated for considerations of air quality.

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### *Limitation on flight tests of certain missiles (sec. 221)*

The House bill contained a provision (sec. 222) that would impose limitations on missile launches for test purposes.

The Senate amendment contained no comparable provision.

The Senate recedes with an amendment that would limit, for one year from the date of enactment of this act, any test launches that would release debris within 50 miles of Canyonlands National Park, Utah.

## TEST LAUNCHES

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### SEC. 237. THEATER AND LIMITED DEFENSE SYSTEM TESTING.

(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—  
Except for the acquisition of those production representative missiles required for the completion of developmental and operational testing, the Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone IIIA) acquisition stage until the Secretary certifies to the congressional defense committees that more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, have been conducted, the results of which demonstrate the achievement by the interceptors of the weapons systems performance goals specified in the system baseline document established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered engineering and manufacturing systems development. The live-fire tests demonstrating such results shall involve multiple interceptors and multiple targets in the presence of realistic countermeasures.

(b) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS OF LIMITED DEFENSE SYSTEM PROGRAM PROJECTS.—A developmental test may not be conducted under the Limited Defense System program element of the Ballistic Missile Defense Program until the Secretary of Defense reviews and approves (or approves with changes) the test plan for such developmental test.

(c) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (b) by a group composed of persons who—  
(A) by reason of education, training, or experience are qualified to monitor the testing covered by the plan; and  
(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

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In section 237, the conferees incorporate separate provisions of the House bill (sec. 240) regarding theater missile defense testing and the Senate amendment (sec. 228) regarding testing of limited defense system components.

# TEST LAUNCHES

<p>HOUSE APPROPRIATIONS COMMITTEE H.R. 3116; H.REPT. 103-254 (9/21/93)</p> <p>BILL LANGUAGE: ----- No language exists.</p> <p>REPORT LANGUAGE: ----- No language exists.</p>	<p>SENATE APPROPRIATIONS COMMITTEE H.R. 3116; S.REPT. 103-153 (9/27/93)</p> <p>REPORT LANGUAGE: ----- No language exists.</p> <p>REPORT LANGUAGE: ----- No language exists.</p>
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TEST LAUNCHES

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H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139)

BILL LANGUAGE:  
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No language exists.

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H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139)

REPORT LANGUAGE:  
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No language exists.

**MID-INFRARED ADVANCED CHEMICAL LASER  
(MIRACL)**

MID-INFRARED ADVANCED CHEMICAL LASER (MIRACL)

HOUSE ARMED SERVICES COMMITTEE

H.R. 2401; H.REPT. 103-200 (7/30/93)

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BILL LANGUAGE

No language exists.

**SEC. 243. EXTENSION OF PROHIBITION ON TESTING MID-IN-**

**FRARED ADVANCED CHEMICAL LASER  
AGAINST AN OBJECT IN SPACE.**

*The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.*

MID-INFRARED ADVANCED CHEMICAL LASER (MIRACL)

HOUSE ARMED SERVICES COMMITTEE

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SECTION 242—EXTENSION OF PROHIBITION ON TESTING MID-INFRARED  
ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE

This section would prohibit the testing of the Mid-Infrared Advanced Chemical Laser (MIRACL) against an object in space during 1994.

For the past several years the Congress has included language in National Defense Authorization Acts to prohibit the testing of MIRACL against an object in space. The committee believes that the policy implication of such testing should be addressed before actual testing can be considered for approval.

SENATE ARMED SERVICES COMMITTEE

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*High energy laser systems test facility*

The committee has been informed that the Navy, in partnership with the British Navy, needs to conduct tests of the MIRACL laser against cruise missiles during fiscal year 1994. These tests are part of a Navy effort to assess the use of lasers in ship defense. However, these tests are incompatible with Army plans to mothball the tri-service HELSTF facility by year-end. The committee adds \$20.0 million to permit the Navy to complete its cruise missile tests, using the tri-service facility.

MID-INFRARED ADVANCED CHEMICAL LASER (MIRACL)

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SEC. 225. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED  
ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN  
SPACE.

*The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.*

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*Mid-infrared advanced chemical laser (sec. 225)*

*The House bill contained a provision (sec. 242) that would prohibit the Secretary of Defense from carrying out a test of the mid-infrared advanced chemical laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized in law.*

*The Senate amendment contained no similar provision.  
The Senate recedes.*

MID-INFRARED ADVANCED CHEMICAL LASER (MIRACL)

<p>HOUSE APPROPRIATIONS COMMITTEE H.R. 3116; H.REPT. 103-254 (9/21/93)</p> <p>BILL LANGUAGE: ----- No language exists.</p> <p>REPORT LANGUAGE: ----- No language exists.</p>	<p>SENATE APPROPRIATIONS COMMITTEE H.R. 3116; S.REPT. 103-153 (9/27/93)</p> <p>REPORT LANGUAGE: ----- No language exists.</p> <p>REPORT LANGUAGE: ----- No language exists.</p>
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MID-INFRARED ADVANCED CHEMICAL LASER (MIRACL)

FY94 DOD APPROPRIATIONS CONFERENCE REPORT  
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BILL LANGUAGE:  
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No language exists.

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REPORT LANGUAGE:  
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No language exists.

# **TECHNICAL AMENDMENTS**

TECHNICAL AMENDMENTS

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BILL LANGUAGE:

No language exists.

**SEC. 243. TECHNICAL AMENDMENTS TO REFLECT REDESIGN**

**NATION OF STRATEGIC DEFENSE INITIATIVE**

**ORGANIZATION.**

Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

TECHNICAL AMENDMENTS

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- (2) by striking out "SDI" each place it appears  
and inserting in lieu thereof "BMD"; and
- (3) by striking out the section heading and inserting in lieu thereof the following:

**"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM."**

SENATE ARMED SERVICES COMMITTEE  
S. 1298; S. REPT. 103-112 (6/30/93)

BILL LANGUAGE:

No language exists.

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SECTION 243--TECHNICAL AMENDMENTS TO REFLECT REDESIGNATION  
OF STRATEGIC DEFENSE INITIATIVE ORGANIZATION

This section would make technical amendments to section 224 of the National Defense Authorization Action for Fiscal Years 1990 and 1991 (Public Law 101-189) to reflect redesignation of the Strategic Defense Initiative Organization as the Ballistic Missile Defense Organization.

SENATE ARMED SERVICES COMMITTEE  
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REPORT LANGUAGE:

No language exists.

TECHNICAL AMENDMENTS

<p>FY94 DOD AUTHORIZATION CONFERENCE REPORT H.R. 2401; H. REPT. 103-357 (11/10/93)</p>	<p>FY94 DOD AUTHORIZATION CONFERENCE REPORT H.R. 2401; H. REPT. 103-357 (11/10/93)</p>
<p>REPORT LANGUAGE: ----- No report language exists.</p>	<p>STATUTORY LANGUAGE: ----- Page 59</p>
	<p>SEC. 240. TECHNICAL AMENDMENTS TO ANNUAL REPORT REQUIREMENT TO REFLECT CREATION OF BALLISTIC MISSILE DEFENSE ORGANIZATION.</p> <p>Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—</p> <p>(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";</p> <p>(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";</p> <p>(3) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and</p> <p>(4) by striking out the section heading and inserting in lieu thereof the following:</p>

TECHNICAL AMENDMENTS

HOUSE APPROPRIATIONS COMMITTEE H.R. 3116; H.REPT. 103-254 (9/21/93)	SENATE APPROPRIATIONS COMMITTEE H.R. 3116; S.REPT. 103-153 (9/27/93)
BILL LANGUAGE: ----- No language exists.	REPORT LANGUAGE: ----- No language exists.
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TECHNICAL AMENDMENTS

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BILL LANGUAGE:

No language exists.

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REPORT LANGUAGE:

No language exists.

**HIGH-ENERGY LASER SYSTEM TEST FACILITY  
(HELSTF)**

HIGH ENERGY LASER SYSTEMS TEST FACILITY

HOUSE ARMED SERVICES COMMITTEE  
H.R. 2401; H.REPT. 103-200 (7/30/93)

BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

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BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

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*High energy laser systems test facility*

The committee has been informed that the Navy, in partnership with the British Navy, needs to conduct tests of the MIRACL laser against cruise missiles during fiscal year 1994. These tests are part of a Navy effort to assess the use of lasers in ship defense. However, these tests are incompatible with Army plans to mothball the tri-service HELSTF facility by year-end. The committee adds \$20.0 million to permit the Navy to complete its cruise missile tests, using the tri-service facility.

HIGH ENERGY LASER SYSTEMS TEST FACILITY

FY94 DOD AUTHORIZATION CONFERENCE REPORT  
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BILL LANGUAGE:

No language exists.

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REPORT LANGUAGE:

No language exists.

# DOD HIGH-ENERGY LASER SYSTEM TEST FACILITY

HOUSE APPROPRIATIONS COMMITTEE  
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No language exists.

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## DOD HIGH ENERGY LASER SYSTEMS TEST FACILITY (0605605A)

The Army requested \$4,808,000 for the DOD High Energy Laser System Test Facility (HELSTF). The Committee recommends \$26,608,000, an increase of \$21,800,000 above the budget request. These funds are to be used only for the continued operation of HELSTF, including \$10,000,000 only for the Sea Late Beam Director. These funds are not to be used for any studies to curtail the operation and maintenance of HELSTF, to begin shutdown procedures of the high energy laser system, or to initiate reduction-in-force of civilian personnel during fiscal year 1994. Any reduction in funding, not matter how small, must be submitted via a prior approval reprogramming request on a DD Form 1415.

The Committee is adamant that HELSTF be fully operational during fiscal year 1994. Any future proposal of the Army to reduce or curtail activities at HELSTF shall only be made along with a budget submission so that Congress has the opportunity to consider the request.

SENATE APPROPRIATIONS COMMITTEE  
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No language exists.

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*DOD high-energy laser system test facility [HELSTF].—This program element supports the operations of the Defense Department's only high-energy laser system test facility. The Committee approves \$24,808,000, an increase of \$20,000,000 to maintain HELSTF funding at the fiscal year 1993 level. Continued operation of the facility provides the Navy with the opportunity to conduct point defense demonstrations during fiscal year 1994. Therefore, the Committee has reduced Navy defense research sciences by \$20,000,000 to provide the funds added to this program element.*

*The Committee reminds the Defense Department of the direction in its fiscal year 1993 report for submission of a long-term plan for HELSTF for either maintaining the facility or transitioning it to a lower level of operations. The Committee directs that the required report be submitted no later than December 31, 1993.*

*The House allowance added \$21,800,000 for HELSTF.*

DOD HIGH-ENERGY LASER SYSTEM TEST FACILITY

HOUSE APPROPRIATIONS COMMITTEE  
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BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

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ADVANCED RADIATION TECHNOLOGY (0603605F)

The Air Force requested \$55,415,000 for Advanced Radiation Technology. The Committee recommends \$78,315,000, an increase of \$22,900,000 above the budget request.

*Excimer Laser:* The Committee recommends \$22,000,000 only for the Excimer Laser Technology Development Program. This program is managed by the Air Force Phillips Laboratory and supports two major Air Force research and development programs, one dealing with High Resolution Imaging (HRI) of space objects and the other pursuing investigations of Advanced Excimer Laser Technology development. Field testing for this program is expected to be conducted at the High Energy Laser Test Facility (HELSTF) facility at White Sands Missile Range. Of these funds, \$2,000,000 shall be available to investigate the feasibility of specific commercial applications of this dual use technology.

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BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

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*Defense research science.*—The Committee recommends \$396,922,000, a reduction of \$20,000,000, for this program element which supports basic research into scientific and technological subjects of interest to the Navy. As stated in the Army RDT&E section of the report, the Committee makes this reduction to transfer these funds to support the DOD high-energy laser system test facility [HELSTF].

# HIGH-ENERGY LASER SYSTEM

FY94 DOD APPROPRIATIONS CONFERENCE REPORT  
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STATUTORY LANGUAGE:

No specific language.

# TEST FACILITY

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## HIGH ENERGY LASER SYSTEM TEST FACILITY (HELSTF)

The conferees agree to provide \$24,808,000 for the DOD High Energy Laser System Test Facility (HELSTF). The conferees agree with the restrictions placed in the House report, but stress that they apply only to the high energy laser capabilities at HELSTF. The conferees agree that the Department may use the funds provided for HELSTF to study the future status of HELSTF. In addition, the conferees direct that the report requested in last year's conference and Senate reports on the long-term plan for HELSTF be submitted not later than January 15, 1994.

Amendment No. 90: Restores House language concerning development and testing of a new insulin derivative for the treatment of diabetes and hypoglycemia in the dependents of active duty military members; restores and amends House language earmarking funds for a Lyme disease program; deletes House language making a portion of the appropriation subject to authorization; and deletes Senate language earmarking funds for an upgrade of the Los Alamos Meson Physics Facility/Los Alamos Neutron Scattering Center.

# ***MIGHTY UNCLE***

MIGHTY UNCLE

HOUSE ARMED SERVICES COMMITTEE  
H.R. 2401; H.REPT. 103-200 (7/30/93)

BILL LANGUAGE:

No language exists.

SENATE ARMED SERVICES COMMITTEE  
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SEC. 231. NUCLEAR TESTING.

(a) LIMITATIONS.—(1) None of the funds appropriated pursuant to an authorization in this or any other Act may be obligated to support underground explosions of nuclear weapons or devices for testing of the effects of nuclear weapon explosions, including the so-called “Mighty Uncle” test.

(2) Funds available for the so-called “Mighty Uncle” test may not be obligated until the Secretary of Defense submits to the congressional defense committees a detailed spending plan for underground nuclear weapon testing

MIGHTY UNCLE

HOUSE ARMED SERVICES COMMITTEE  
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No language exists.

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that is consistent with the provisions of section 507 of Public Law 102-377 (106 Stat. 1343).

(b) CERTAIN ACTIONS AUTHORIZED.—The Secretary of Defense may proceed with underground nuclear test tunnel deactivation and environmental cleanup and may expend funds for infrastructure activities not prohibited by subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, not more than \$38,000,000 may be used for activities described in subsection (b).

(d) TERMINATION OF SAFEGUARD C PROGRAM.—The atmospheric test readiness program known as "Safe-guard C" is hereby terminated.

MIGHTY UNCLE

HOUSE ARMED SERVICES COMMITTEE  
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BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

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No language exists.

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The budget request included \$57.4 million for testing and related activities, including \$20.0 million for shutting down tunnels and facilities and environmental cleanup, \$18.0 million for infrastructure activities, and \$19.5 million for preparations for an underground nuclear weapons effects test, "Mighty Uncle," to study effects of nuclear weapons on military systems. The committee finds that the "Mighty Uncle" test is prohibited by section 507 of title V of Public Law 102-377 and recommends a provision that would prohibit expenditure of any funds for preparations for weapons effects tests, including "Mighty Uncle," that are inconsistent with section 507. In addition, the provision would prevent obligation of the funds requested for "Mighty Uncle," \$19.5 million, until such time as the Secretary of Defense submits a spending plan to the congressional defense committees outlining the purposes for which these funds would be spent.

The provision also would terminate the safeguard C atmospheric testing readiness program. The committee recommends transfer of the \$20.2 million requested by DNA for Johnston Atoll to the chemical demilitarization program.

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**SEC. 261. NUCLEAR WEAPONS EFFECTS TESTING BY DEPARTMENT OF DEFENSE.**

(a) **LIMITATION ON OBLIGATION OF FUNDS.**—The Secretary of Defense may not obligate funds in preparation for any activity of the Department of Defense, including the so-called "Mighty Uncle" test, to study the effects of a nuclear weapon explosion through underground nuclear weapons testing unless that test is permitted in accordance with the provisions of section 507 of Public Law 102-377 (106 Stat. 1343).

(b) **CERTAIN ACTIONS NOT PROHIBITED.**—Subsection (a) does not preclude the Secretary of Defense, acting through the Director of the Defense Nuclear Agency, from—

- (1) proceeding with underground nuclear test tunnel deactivation and environmental cleanup; or
  - (2) expending funds for infrastructure activities not covered by the limitation in subsection (a).
- (c) **FUNDING.**—Of the funds authorized to be appropriated pursuant to section 201 for Defense-wide activities, not more than \$38,000,000 may be used for activities described in subsection (b).

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**Nuclear testing (sec. 261)**

The Senate amendment contained a provision (sec. 231) that would prohibit the obligation of funds to support the "Mighty Uncle" test or any other test of the effects of nuclear weapons on military systems that is inconsistent with section 507 of the Energy and Water Development Appropriations Act for Fiscal Year 1993 (Public Law 102-377). The provision would allow the Defense Nuclear Agency to retain the funds if appropriated to do other work at the Nevada Test Site to maintain its testing competency.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The provision would prohibit the obligation of funds for preparations for weapons effects tests, including "Mighty Uncle," that are inconsistent with section 507 of the Energy and Water Development Appropriations Act for Fiscal Year 1993. The provision would permit the Defense Nuclear Agency to proceed with tunnel deactivation, environmental cleanup, and other infrastructure activities at the Nevada Test Site associated with maintaining the capability to resume weapons effect testing in the future.

MIGHTY UNCLE

HOUSE APPROPRIATIONS COMMITTEE  
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BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

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REPORT LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

MIGHTY UNCLE

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BILL LANGUAGE:  
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No language exists.

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REPORT LANGUAGE:  
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No language exists.

# **EXTERNAL AFFAIRS OFFICE**

EXTERNAL AFFAIRS OFFICE

HOUSE ARMED SERVICES COMMITTEE  
H.R. 2401; H.REPT. 103-200 (7/30/93)

BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

SENATE ARMED SERVICES COMMITTEE  
S. 1298; S.REPT. 103-112 (6/30/93)

BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

EXTERNAL AFFAIRS OFFICE

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BILL LANGUAGE:  
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No language exists.

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REPORT LANGUAGE:  
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No language exists.

EXTERNAL AFFAIRS OFFICE

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*Provided further*, That none of the funds in this paragraph may be used to operate more than one external affairs office in the Washington, D.C. area for ballistic missile defense programs:

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The Committee has also included bill language preventing the expenditure of funds on more than one public affairs office within the Washington, D.C. area with attendant cost savings of over \$500,000 annually.

SENATE APPROPRIATIONS COMMITTEE  
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BILL LANGUAGE:

No language exists.

EXTERNAL AFFAIRS OFFICE

FY94 DOD APPROPRIATIONS CONFERENCE REPORT  
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STATUTORY LANGUAGE:

No specific language.

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The conferees do not agree to the House bill language which prohibits use of BMD funds to operate more than one public affairs office in the Washington DC area. However, the conferees do believe that more than one such office is unnecessary and an unaffordable luxury. The conferees direct the Secretary of Defense to eliminate one of the two current BMD public/external affairs offices in the Washington DC area by the end of the fiscal year, unless he certifies to the Defense committees of Congress that each is essential. Should the Secretary choose to close one of these offices, the conferees do not expect that the organization chosen for elimination will simply be funded from another appropriation but will actually be abolished.

# **FREE ELECTRON LASER**

FREE ELECTRON LASER

HOUSE ARMED SERVICES COMMITTEE  
H.R. 2401; H.REPT. 103-200 (7/30/93)

BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

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S. 1298; S.REPT. 103-112 (6/30/93)

BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

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*Free electron laser*

The Department of Defense recently decided to transfer research on the military use of free electron lasers (FEL) from the Ballistic Missile Defense Organization (BMDO) to the Army. Unfortunately, the Army then proceeded to terminate all activities and to transfer the residual funding to other projects. This would leave the Department with a medical FEL program, for which funds were requested for the first time, but no program aimed at military and dual-use applications. The committee believes that after an investment of over a billion dollars in this technology, it is premature to cancel the defense-oriented program and forgo any realization of the military benefits of this investment.

In light of the Navy's interest in military applications of the technology and the fact the Navy is the manager of the medical FEL program, the committee recommends that the Navy assume the management of the defense-oriented FEL program and recommends an authorization of \$25.0 million for fiscal year 1994. The committee recommends offsetting reductions to the following Army program elements: PE 62784A, PE 64759A, PE 66801A, and PE 62785A.

FREE ELECTRON LASER

FY94 DOD AUTHORIZATION CONFERENCE REPORT  
H.R. 2401; H.REPT. 103-357 (11/10/93)

BILL LANGUAGE:  
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No language exists.

FY94 DOD AUTHORIZATION CONFERENCE REPORT  
H.R. 2401; H.REPT. 103-357 (11/10/93)

REPORT LANGUAGE:  
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No language exists.

FREE ELECTRON LASER

HOUSE APPROPRIATIONS COMMITTEE H.R. 3116; H.REPT. 103-254 (9/21/93)	SENATE APPROPRIATIONS COMMITTEE H.R. 3116; S.REPT. 103-153 (9/27/93)
BILL LANGUAGE: ----- No language exists.	REPORT LANGUAGE: ----- No language exists.
REPORT LANGUAGE: ----- No language exists.	REPORT LANGUAGE: ----- No language exists.

FREE ELECTRON LASER

FY94 DOD APPROPRIATIONS CONFERENCE REPORT  
H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139)

BILL LANGUAGE:

No language exists.

FY94 DOD APPROPRIATIONS CONFERENCE REPORT  
H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139)

REPORT LANGUAGE:

No language exists.

# **THERMIONIC SPACE POWER**

THERMIONIC SPACE POWER

HOUSE ARMED SERVICES COMMITTEE

H.R. 2401; H.REPT. 103-200 (7/30/93)

REPORT LANGUAGE:

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*Thermionic space power*

The committee understands that the Ballistic Missile Defense Organization (BMDO) has terminated U.S. research efforts in space nuclear power in favor of evaluating the Russian TOPAZ reactor purchased last year. This action jeopardizes the existence of the small group of U.S. companies that had been working in this area. The committee directs the BMDO to ensure that U.S. contractors are a part of the thermionic space power development. The committee recommends that \$7.5 million of the BMDO support technologies program be used only for U.S. work in this technology. The committee designates this action as a congressional interest item.

SENATE ARMED SERVICES COMMITTEE

S. 1298; S. REPT. 103-112 (6/30/93)

REPORT LANGUAGE:

No language exists.

THERMIONIC SPACE POWER

FY94 DOD AUTHORIZATION CONFERENCE REPORT  
H.R. 2401; H.REPT. 103-357 (11/10/93)

BILL LANGUAGE:

No language exists.

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H.R. 2401; H.REPT. 103-357 (11/10/93)

REPORT LANGUAGE:

No language exists.

THERMIONIC SPACE POWER

HOUSE APPROPRIATIONS COMMITTEE  
H.R. 3116; H.REPT. 103-254 (9/21/93)

BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

No language exists.

SENATE APPROPRIATIONS COMMITTEE  
H.R. 3116; S.REPT. 103-153 (9/27/93)

REPORT LANGUAGE:

No language exists.

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THERMIONIC SPACE POWER

FY94 DOD APPROPRIATIONS CONFERENCE REPORT  
H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139)

BILL LANGUAGE:

No language exists.

FY94 DOD APPROPRIATIONS CONFERENCE REPORT  
H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139)

REPORT LANGUAGE:

No language exists.

**SAFEGUARD C**

SAFEGUARD C

HOUSE ARMED SERVICES COMMITTEE  
H.R. 2401; H.REPT. 103-200 (7/30/93)

BILL LANGUAGE:  
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No language exists.

REPORT LANGUAGE:  
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No language exists.

SENATE ARMED SERVICES COMMITTEE  
S. 1298; S.REPT. 103-112 (6/30/93)

BILL LANGUAGE:  
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No language exists.

REPORT LANGUAGE:  
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SAFEGUARD C

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H.R. 2401; H.REPT. 103-357 (11/10/93)

BILL LANGUAGE:

No language exists.

FY94 DOD AUTHORIZATION CONFERENCE REPORT  
H.R. 2401; H.REPT. 103-357 (11/10/93)

REPORT LANGUAGE:

No language exists.

SAFEGUARD C

HOUSE APPROPRIATIONS COMMITTEE  
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BILL LANGUAGE:  
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SEC. 8093. None of the funds appropriated by this Act shall be available for direct or indirect support of the joint Department of Defense/Department of Energy Safe-guard C contingent nuclear testing program.

SENATE APPROPRIATIONS COMMITTEE  
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BILL LANGUAGE:  
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No language exists.

# SAFEGUARD C

HOUSE APPROPRIATIONS COMMITTEE  
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The Committee recommends eliminating all funding for a program known as Safeguard C. This program was begun in 1963 after ratification of the Threshold Test Ban Treaty in order to provide the United States with a contingent capability to resume nuclear testing in the atmosphere, space, or the oceans. This program is no longer needed at Johnston Atoll, and accordingly the Committee reduces the Defense Nuclear Agency's funding request by \$32,168,000, and directs that the Army become executive agent for Johnston Atoll for other non-Safeguard C activities. In addition, the Committee has included bill language ensuring that no funds are spent on Safeguard C activities.

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REPORT LANGUAGE:

No language exists.

## SAFEGUARD C PROHIBITION

Given the current efforts in Congress and the Administration to limit nuclear weapons testing and negotiate a comprehensive nuclear test ban, the Committee recommends the inclusion of a provision to delete funds for the joint DOD-DOE Safeguard C contingency nuclear testing program, since resumption of tests in the atmosphere, space, or the oceans is no longer a realistic possibility.

SAFEGUARD C

<p>----- FY94 DOD APPROPRIATIONS CONFERENCE REPORT H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139) -----</p>	<p>----- FY94 DOD APPROPRIATIONS CONFERENCE REPORT H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139) -----</p>
<p>----- BILL LANGUAGE: ----- No language exists.</p>	<p>----- REPORT LANGUAGE: ----- No language exists.</p>

# **EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGY**

EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGY

<p>HOUSE ARMED SERVICES COMMITTEE H.R. 2401; H.REPT. 103-200 (7/30/93)</p> <p>BILL LANGUAGE: ----- No language exists.</p> <p>REPORT LANGUAGE: ----- No language exists.</p>	<p>SENATE ARMED SERVICES COMMITTEE S. 1298; S.REPT. 103-112 (6/30/93)</p> <p>BILL LANGUAGE: ----- No language exists.</p> <p>REPORT LANGUAGE: ----- Page 73 -----</p>
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EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGY

FY94 DOD AUTHORIZATION CONFERENCE REPORT  
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BILL LANGUAGE:  
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No language exists.

FY94 DOD AUTHORIZATION CONFERENCE REPORT  
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REPORT LANGUAGE:  
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No language exists.

# EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGY

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No language exists.

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## EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGY (0603226E)

ARPA requested \$512,198,000 for EEMIT. The Committee recommends \$617,098,000, an increase of \$104,900,000. This includes the following increases recommended by the House Armed Services Committee in its 1994 bill: \$50,000,000 for fuel cells; \$28,900,000 for programs transferred from the Ballistic Missile Defense Organization; \$5,000,000 for gamma-gamma resonance imaging; \$1,000,000 for fire detection technology; and \$1,000,000 for nuclear waste monitoring. The Committee also recommends increases only for following purposes: \$16,000,000 for multi function self aligned gate gallium arsenide wideband module development for shipboard radar and electronic warfare use; \$6,000,000 only for critical technology validation of the ASTOVL direct lift concept; \$3,000,000 is only for the Large Millimeter Telescope; \$5,000,000 only for SELENE as recommended by the House Armed Services Committee in its fiscal year 1994 report; and \$4,000,000 only for unmanned undersea vehicle solid polymer fuel cells. Concerning fuel cells: \$5,000,000 is only for phosphoric acid fuel cells to be managed in conjunction with the Army; \$5,000,000 is only for proton exchange membrane fuel cells; \$1,000,000 is only for monolithic solid oxide fuel cells; and \$34,500,000 is only for carbonate based fuel cells.

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No language exists.

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*Experimental evaluation of major innovative technology.*—The Committee allocates \$453,429,000 for this program element which supports the development and application of new technologies to defense systems and missions. The approved funding level is \$58,769,000 below the budget request and \$163,669,000 below the House allowance. The following specific actions are included in the Committee's recommendation.

EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGY

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H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139)

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No language exists.

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H.R. 3116; H.REPT. 103-339 (11/09/93 P.L. 103-139)

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No language exists.

## **NEW STARTS/NEW PROGRAMS**

NEW STARTS/NEW PROGRAM

HOUSE ARMED SERVICES COMMITTEE  
H.R. 2401; H.REPT. 103-200 (7/30/93)

BILL LANGUAGE:

No language exists.

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SENATE ARMED SERVICES COMMITTEE  
S. 1298; S.REPT. 103-112 (6/30/93)

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NEW STARTS/NEW PROGRAM

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REPORT LANGUAGE:

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# NEW STARTS/NEW PROGRAMS

HOUSE APPROPRIATIONS COMMITTEE  
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BILL LANGUAGE:

No language exists.

REPORT LANGUAGE:

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## "NEW START" REPROGRAMMING

The Committee denied several new start programs during its consideration of the Omnibus Reprogramming submitted in June. Due to the lateness in the fiscal year when the document was received, the Committee felt a delay of a few months until the next fiscal year was not unreasonable for new efforts. Recognizing that some programs, which were not anticipated at budget submission, may need to be started during that fiscal year, the Committee recommends that they be submitted earlier in the cycle and not await the Omnibus reprogramming. This will allow the Committee sufficient time to evaluate the merit of beginning a new start during fiscal year execution.

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No language exists.

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## REDUCTIONS IN NEW PROGRAMS

The Committee recommends the elimination of funds to start new basic research programs to be managed by the Office of the Secretary of Defense [OSD]. In the current budget environment, initiation of OSD basic research programs outside of existing service, Advanced Research Projects Agency [ARPA], Ballistic Missile Defense Organization [BMDO], and other research efforts is unjustified. The Committee supports efforts to concentrate basic research activities on DOD requirements. The Committee believes increased OSD authority over DOD basic research funding requests totaling over \$1,200,000,000 in fiscal year 1994 should be adequate to ensure service programs are properly focused on military needs.

NEW STARTS/NEW PROGRAM

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